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THE

LIFE

OF

M. TULLIUS CICERO.

BY CONYERS MIDDLETON, D. D.
PRINCIPAL LIBRARIAN
TO THE UNIVERSITY OF CAMBRIDGE.

Hunc igitur spectemus. Hic proponatur ei nobis exemplum.
Ille se profecisse sciat, cui Cicero valde placebit.
QUINTIL. INSTIT. l. x

IN TWO VOLUMES.

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VOL. I.

LONDON:

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1810.

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TO THE

RIGHT HON. JOHN LORD HERVEY,

LORD KEEPER OF HIS MAJESTY'S PRIVY SEAL.

MY LORD,

THE public will naturally expect, that in chusing a patron for the LIFE OF CICERO, I should address myself to some person of illustrious rank, distinguished by his parts and eloquence, and bearing a principal share in the great affairs of the nation; who, according to the usual style of dedications, might be the proper subject of a comparison with the hero of my piece. Your Lordship's name will confirm that expectation, and your character would justify me in running some length into the parallel; but my experience of your good sense forbids me the attempt. For your Lordship knows what a disadvantage it would be to any character to be placed in the same light with that of Cicero; that all such comparisons must be invidious and adulatory; and that the following history will suggest a reason, in every page, why no man now living can justly be compared with him.

I do not impute this to any superiority of parts or genius peculiar to the ancients; for human nature has ever been the same in all ages and nations, and owes the difference of its improvements to a difference only of culture, and of the rewards proposed to its industry: where these are the most amply provided, there we shall always find the most numerous and shining examples of human perfection. In old Rome, the public honours were laid open to the virtue of every citizen; which, by raising them in their turns to the command of that mighty empire, produced a race of heroes superior even to kings. This was a prospect that fired the soul of the ambitious, and roused every faculty of the mind and body, to exert its utmost force: whereas, in modern states, men's views being usually confined to your Lordship, beyond which they cannot pass, and [illegible] to you by giving

their talents being sufficient to procure every thing that their ambition can aspire to, a great genius has seldom either room or invitation to stretch itself to its full size.

You see, my Lord, how much I trust to your good nature, as well as good sense, when in an epistle dedicatory, the proper place of panegyric, I am depreciating your abilities, instead of extolling them; but I remember, that it is an history which I am offering to your Lordship, and it would ill become me, in the front of such a work, to expose my veracity to any hazard: and my head indeed is now so full of antiquity, that I could wish to see the dedicatory style reduced to that classical simplicity, with which the ancient writers used to present their books to their friends or patrons, at whose desire they were written, or by whose authority they were published: for this was the first use and the sole purpose of a dedication; and as this also is the real ground of my present address to your Lordship, so it will be the best argument of my epistle, and the most agreeable to the character of an historian, to acquaint the public with a plain fact, that it was your Lordship who first advised me to undertake the Life of Cicero; and when, from a diffidence of my strength, and a nearer view of the task, I began to think myself unequal to the weight of it, your Lordship still urged and exhorted me to persist, till I had moulded it into the form in which it now appears.

Thus far your Lordship was carried by that love for Cicero, which as one of the best critics of antiquity assures us, is the undoubted proof of a true taste. I wish only that the favour, which you have since shewn to my English Cicero, may not detract from that praise, which is due to your love of the Roman: but whatever censure it may draw upon your Lordship, I cannot prevail with myself to conceal, what does so much honour to my work—that, before it went to the press, your Lordship not only saw and approved, but, as the sincerest mark of your approbation, corrected it. It adds no small credit to the history of Polybius, that he professes to have been assisted in it by Scipio and Lælius; and even Terence's style was made the purer, for its being retouched by the same great hands. You must pardon me, therefore, my Lord, if, after the example of those excellent authors, I cannot forbear boasting, that some parts of my present work have been brightened by the strokes of your Lordship's pencil.

It was the custom of those Roman nobles, to spend their [illegible] not in vicious pleasures, or trifling diversions, con- truly call it, to kill the time; but in conversing [illegible] wits and scholars of the age; in encou- [illegible] learning, and improving their own:

and here your Lordship imitates them with success, and for love of letters and politeness, may be compared with the noblest of them. For your house, like theirs, is open to men of parts and merit; where I have admired your Lordship's agreeable manner of treating them all in their own way, by introducing questions of literature, and varying them so artfully, as to give every one an opportunity, not only of bearing a part, but of leading the conversation in his turn. In these liberal exercises you drop the cares of the statesman; relieve your fatigues in the senate; and strengthen your mind, while you relax it.

Encomiums of this kind, upon persons of your Lordship's quality, commonly pass for words of course, or a fashionable language to the great, and make little impression on men of sense, who know learning, not to be the fruit of wit or parts, for there your Lordship's title would be unquestionable, but an acquisition of much labour and study, which the nobles of our days are apt to look upon, as inconsistent with the ease and splendour of an elevated fortune, and generally leave to men of professions and inferior life. But your Lordship has a different way of thinking, and by your education in a public school and university, has learned from your earliest youth, that no fortune can exempt a man from pains, who desires to distinguish himself from the vulgar; and that it is a folly, in any condition of life, to aspire to a superior character, without a superior virtue and industry to support it. What time, therefore, others bestow upon their sports or pleasures, or the lazy indolence of a luxurious life, your Lordship applies to the improvement of your knowledge; and in those early hours, when all around you are hushed in sleep, seize the opportunity of that quiet, as the most favourable season of study, and frequently spend an useful day, before others begin to enjoy it.

I am saying no more, my Lord, than what I know, from my constant admission to your Lordship in my morning visits, before good manners would permit me to attempt a visit any where else; where I have found you commonly engaged with the classical writers of Greece or Rome; and conversing with those very dead, with whom Scipio and Lælius used to converse so familiarly when living. Nor does your Lordship assume this part for ostentation or amusement only, but for the real benefit both of yourself and others; for I have seen the solid effects of your reading in your judicious reflections on the policy of those ancient governments, and have felt your weight even in controversy, on some of the most delicate parts of their history.

There is another circumstance peculiar to your Lordship, which makes this task of study the easier to you, by giving

you not only the greater health, but the greater leisure to pursue it; I mean that singular temperance in diet, in which your Lordship perseveres, with a constancy superior to every temptation, that can excite an appetite to rebel; and shews a firmness of mind, that subjects every gratification of sense to the rule of right reason. Thus, with all the accomplishments of the nobleman, you lead the life of a philosopher; and while you shine a principal ornament of the court, you practise the discipline of the college.

In old Rome there were no hereditary honours; but when the virtue of the family was extinct, its honour was extinguished too; so that no man, how nobly soever born, could arrive at any dignity, who did not win it by his personal merit: and here again your Lordship seems to have emulated that ancient spirit; for, though born to the first honours of your country, yet, disclaiming, as it were, your birthright, and putting yourself upon the foot of a Roman, you were not content with inheriting, but resolved to import new dignities into your family; and, after the example of your noble father, to open your own way into the supreme council of the kingdom. In this august assembly, your Lordship displays those shining talents, by which you acquired a seat in it, in the defence of our excellent establishment: in maintaining the rights of the people, yet asserting the prerogative of the crown; measuring them both by the equal balance of the laws; which by the provident care of our ancestors, and the happy settlement at the Revolution, have so fixed their just limits, and moderated the extent of their influence, that they mutually defend and preserve, but can never destroy each other without a general ruin.

In a nation, like ours, which, from the natural effect of freedom, is divided into opposite parties, though particular attachments to certain principles, or friendships with certain men, will sometimes draw the best citizens into measures of a subordinate kind, which they cannot wholly approve; yet whatever envy your Lordship may incur on that account, you will be found, on all occasions of trial, a true friend to our constitution, both in church and state; which I have heard you demonstrate, with great force, to be the bulwark of our common peace and prosperity. From this fundamental point, no engagements will ever move, or interest draw you; and though men, inflamed by opposition, are apt to charge each other with designs, which were never dreamt of perhaps by either side, yet, if there be any who know so little of you, as to distrust your principles, they may depend at least on your judgment, that it can never suffer a person of your Lordship's rank, born to so large

a share of the property, as well as the honours of the nation, to think any private interest an equivalent, for consenting to the ruin of the public.

I mention this, my Lord, as an additional reason for presenting you with the Life of Cicero: for were I not persuaded of your Lordship's sincere love of liberty, and zeal for the happiness of your fellow-citizens, it would be a reproach to you, to put into your hands the Life of a man, who, in all the variety of his admirable talents, does not shine so glorious in any, as in his constant attachment to the true interests of his country, and the noble struggle that he sustained at the expense even of his life, to avert the impending tyranny that finally oppressed it.

But I ought to ask your Lordship's pardon for dwelling so long upon a character, which is known to the whole kingdom, as well as to myself, not only by the high office which you fill, and the eminent dignity that you bear in it, but by the sprightly compositions of various kinds, with which your Lordship has often entertained it. It would be a presumption to think of adding any honour to your Lordship, by my pen, after you have acquired so much by your own. The chief design of my epistle is, to give this public testimony of my thanks, for the signal marks of friendship, with which your Lordship has long honoured me; and to interest your name, as far as I can, in the fate and success of my work; by letting the world know, what a share you had in the production of it; that it owed its being to your encouragement; correctness to your pencil; and what many will think the most substantial benefit, its large subscription to your authority. For, though in this way of publishing it, I have had the pleasure to find myself supported by a noble list of generous friends, who, without being solicited, or being asked by me, have promoted my subscription with an uncommon zeal, yet your Lordship has distinguished yourself the most eminently of them, in contributing not only to the number, but the splendour, of the names that adorn it.

Next to that little reputation, with which the public have been pleased to favour me, the benefit of this subscription is the chief fruit that I have ever reaped from my studies. I am indebted for the first, to Cicero; for the second to your Lordship. It was Cicero who instructed me to write; your Lordship who rewards me for writing: the same motive, therefore, which induced me to attempt the history of the one, engages me to dedicate it to the other, that I may express my gratitude to you both, in the most effectual manner that I am able, by celebrating the memory of the dead, and acknowledging the generosity of my living benefactor.

I have received great civilities, on several occasions, from many noble persons, of which I shall ever retain a most grateful sense; but your Lordship's accumulated favours have long ago risen up to the character of obligations, and made it my perpetual duty, as it had always been my ambition, to profess myself, with the greatest truth and respect,

My Lord,

Your Lordship's most obliged,

And devoted servant,

CONYERS MIDDLETON.

PREFACE.

THERE is no part of history, which seems capable of yielding either more instruction or entertainment, than that which offers to us *the select lives* of great and virtuous men, who have made an eminent figure on the public stage of the world. In these we see, at one view, what the annals of a whole age can afford, that is worthy of notice; and, in the wide field of universal history, skipping as it were over the barren places, gathering all its flowers, and possess ourselves at once of every thing that is good in it.

But there is one great fault, which is commonly observed in the writers of *particular lives;* that they are apt to be partial and prejudiced in favour of their subject, and to give us a panegyric instead of a history. They work up their characters as painters do their portraits; taking the praise of their art to consist, not in copying, but in adorning nature; not in drawing a just resemblance, but in giving a fine picture; or exalting the man into a hero: and this indeed seems to flow from the nature of the thing itself, where the very inclination to write is generally grounded on prepossession, and an affection already contracted for the person, whose history we are attempting: and, when we sit down to it with the disposition of a friend, it is natural for us to cast a shade over his failings—to give the strongest colouring to his virtues—and, out of a good character, to endeavour to draw a perfect one.

I am sensible that this is the common prejudice of *Biographers*, and have endeavoured therefore to divest myself of it, as far as I was able; yet dare not take upon me to affirm, that I have kept myself wholly clear from it; but shall leave the decision of that point to the judgment of the reader; for I must be so ingenuous as to own, that, when I formed the plan of this work, I was previously possessed with a very favourable opinion of Cicero; which, after the strictest scrutiny, has been greatly confirmed and heightened in me: and, in the case of a shining character, such as Cicero's, I am persuaded, will appear to be, it is certainly more pardonable to exceed rather in our praises of it, out of a zeal for illustrious merit, than to be reserved in doing justice to it, through a fear of being thought partial. But, that I might guard myself equally from both the extremes, I have taken care always to leave the facts to speak for themselves, and to affirm nothing of any moment, without an authentic testimony to support it; which yet, if consulted in the original at its full length, will commonly add more light and strength

to what is advanced, than the fragments quoted in the margin, and the brevity of notes would admit.

But whatever prejudices may be suspected to adhere to the writer, it is certain, that, in a work of this nature, he will have many more to combat in the reader. The scene of it is laid in a place and age, which are familiar to us from our childhood: we learn the names of all the chief actors at school, and chuse our several favourites according to our tempers or fancies: and, when we are at least able to judge of the merit of them, form distinct characters of each, which we frequently retain through life. Thus Marius, Sylla, Cæsar, Pompey, Cato, Cicero, Brutus, Antony, have all their several advocates, zealous for their fame, and ready even to quarrel for the superiority of their virtues. But, among the celebrated names of antiquity, those of the great conquerors and generals attract our admiration always the most, and imprint a notion of magnanimity and power, and capacity for dominion, superior to that of other mortals: we look upon such, as destined by Heaven for empire, and born to trample upon their fellow-creatures, without reflecting on the numerous evils, which are necessary to the acquisition of a glory, that is built upon the subversion of nations, and the destruction of the human species. Yet these are the only persons who are thought to shine in history, or to merit the attention of the reader: dazzled with the splendour of their victories, and the pomp of their triumphs, we consider them as the pride and ornament of the Roman name; while the pacific and civil character, though of all others the most beneficial to mankind, whose sole ambition is to support the laws, the rights and liberty of his citizens, is looked upon as humble and contemptible on the comparison, for being forced to truckle to the power of these oppressors of their country.

In the following history, therefore, if I have happened to affirm any thing that contradicts the common opinion, and shocks the prejudices of the reader, I must desire him to attend diligently to the authorities on which it is grounded; and if these do not give satisfaction, to suspend his judgment still to the end of the work; in the progress of which many facts will be cleared up, that may appear, at first, perhaps uncertain and precarious: and in every thing especially, that relates to Cicero, I would recommend to him, to contemplate the whole character, before he thinks himself qualified to judge of its separate parts, on which the whole will always be found the surest comment.

Quintilian has given us an excellent rule, in the very case: that we should be modest and circumspect, in passing a judgment on men so illustrious, lest, as it happens to the generality of censurers, we be found at last to condemn what we do not understand.* There is another reflection likewise very obvious, which yet seldom has its due weight: That a writer on any part of history, which he has made his particular study, may be presumed to be better

* Modeste tamen et circumspecto judicio de tantis viris pronunciandum est, ne, quod plerisque accidit damnent quæ non intelligunt.—Quintil. Instit. x. 1.

acquainted with it, than the generality of his readers; and when he asserts a fact, that does not seem to be well grounded, it may fairly be imputed, till a good reason appears to the contrary, to a more extensive view of his subject; which, by making it clear to himself, is apt to persuade him that it is equally clear to every body else; and that a fuller explication of it would consequently be unnecessary. If these considerations, which are certainly reasonable, have but their proper influence, I flatter myself, that there will be no just cause, to accuse me of any culpable bias, in my accounts of things or persons, or of any other favour to the particular character of Cicero, than what common humanity will naturally bestow upon every character, that is found, upon the whole, to be both great and good.

In drawing the characters of a number of persons, who all lived in the same city, at the same time; trained by the same discipline, and engaged in the same pursuits; as there must be many similar strokes, and a general resemblance in them all, so the chief difficulty will be, to prevent them from running into too great an uniformity. This I have endeavoured to do, not by forming ideal pictures, or such as would please or surprise: but by attending to the particular facts, which history has delivered of the men, and tracing them to their source, or to those correspondent affections, from which they derived their birth: for these are the distinguishing features of the several persons; which, when duly represented, and placed in their proper light, will not fail to exhibit that precise difference, in which the peculiarity of each character consists.

As to the nature of my work, though the title of it carries nothing more than the *History of Cicero's Life*, yet it might properly enough be called, the *History of Cicero's Times:* since, from his first advancement to the public magistracies, there was not any thing of moment transacted in the state, in which he did not bear an eminent part: so that, to make the whole work of a piece, I have given a summary account of the Roman affairs (during the time even of his minority; and, agreeably to what I promised in my proposals; have carried on a series of history, through *a period of above sixty years*, which, for the importance of the events, and the dignity of the persons concerned in them, is by far the most interesting of any in the annals of Rome.

In the execution of this design, I have pursued, as closely as I could, that very plan which Cicero himself had sketched out, for the model of a complete history; where he lays it down as a fundamental law, that the writer should not dare to affirm what was false, or to suppress what was true; nor give any suspicion either of favour or disaffection:—that, in the relation of facts, he should observe the order of time, and sometimes add the description of places; should first explain the councils; then the acts, and lastly, the events of things; that, in the councils, he should interpose his own judgment on the merit of them; in the acts, relate not only what was done, but how it was done; in the events, shew what share chance, or rashness, or prudence had in them; that he

should describe, likewise, the particular characters of all the great persons, who bear any considerable part in the story; and should dress up the whole in a clear and equable style, without affecting any ornament, or seeking any other praise but of perspicuity. These were the rules that Cicero had drawn up for himself, when he was meditating a general history of his country, as I have taken occasion to mention more at large in its proper place.

But as I have borrowed my plan, so I have drawn my materials also, from Cicero, whose works are the most authentic monuments that remain to us, of all the great transactions of that age; being the original accounts of one, who himself was not only a spectator, but a principal actor in them. There is not a single part of his writings, which does not give some light, as well into his own *history*, as into that of the Republic: but his *familiar letters*, and, above all, those to *Atticus*, may justly be called *the memoirs of the times;* for they contain not only a distinct account of every memorable event, but lay open the springs and motives whence each of them proceeded; so that, as a polite writer, that lived in that very age, and perfectly knew the merit of these letters, says, *the man who reads them will have no occasion for any other history of those times.**

My first business, therefore, after I had undertaken this task, was to read over Cicero's works, with no other view, than to extract from them all the passages that seemed to have any relation to my design: where the tediousness of collecting an infinite number of testimonies, scattered through many different volumes; of sorting them into their classes, and ranging them in proper order; the necessity of overlooking many in the first search, and the trouble of retrieving them in a second or third, and the final omission of several, through forgetfulness or inadvertency, have helped to abate that wonder, which had often occurred to me, why no man had ever attempted the same work before me, or at least in this enlarged and comprehensive form, in which it is now offered to the public.

In my use of these materials, I have chosen to insert as many of them as I could into the body of my work; imagining that it would give both a lustre and authority to a sentiment, to deliver it in the person and the very words of *Cicero;* especially, if they could be managed so as not to appear to be sewed on, like splendid patches, but woven originally into the text, as the genuine parts of it. With this view, I have taken occasion to introduce several of his letters, with large extracts from such of his orations, as gave any particular light into the facts, or customs, or characters, described in the history, or which seemed, on any other account, to be curious and entertaining. The frequent introduction of these may be charged, perhaps, to laziness, and a design of shortening my pains, by filling

* Sexdecim volumina Epistolarum ab Consulatu ejus usque ad extremum tempus ad Atticum missarum; quæ qui legat, non multum desideret historiam contextam eorum temporum. Sic enim omnia de studiis principum, vitiis ducum, ac mutationibus Reipub. perscripta sunt, ut nihil in his non appareat.—Corn. Nep. in Vit. Att. 16.

up my story with *Cicero's* words instead of my own: but that was not the case; nor has this part of the task been the easiest to me, as those will readily believe, who have ever attempted to translate the classical writers of Greece or Rome, where the difficulty is, not so much to give their sense, as to give it in their language, that is, in such as is analogous to it, or what they might be supposed to speak, if they were living at this time; since a splendour of style, as well as of sentiments, is necessary to support the idea of a fine writer. While I am representing Cicero, therefore, as the most eloquent of the ancients, flowing with a perpetual ease and delicacy, and fulness of expression, it would be ridiculous to produce no other specimen of it, but what was stiff and forced, and offensive to a polite reader: yet this is generally the case of our modern versions; where the first wits of antiquity are made to speak such *English* as an *Englishman* of taste would be ashamed to write on any original subject. Verbal translations are always inelegant,* and necessarily destroy all the beauty of language; yet, by departing too wantonly from the letter, we are apt to vary the sense, and mingle somewhat of our own: translators of low genius never reach beyond the first; but march from word to word, without making the least excursion, for fear of losing themselves; while men of spirit, who prefer the second, usually contemn the mere task of translating, and are vain enough to think of improving their author. I have endeavoured to take the middle way, and make it my first care always to preserve the sentiment; and my next, to adhere to the words, as far as I was able to express them, in an easy and natural style; which I have varied still agreeably to the different subject, or the kind of writing on which I was employed: and I persuade myself, that the many original pieces, which I have translated from Cicero, as they are certainly the most shining, so will be found also the most useful parts of my work, by introducing the reader the oftener, into the company of one with whom *no* man ever conversed, as a very eminent writer tells us, without coming away the better for it.†

After I had gone through my review of Cicero's writings, my next recourse was to the other ancients, both Greeks and Romans, who had touched upon the affairs of that age. These served me, chiefly, to fill up the interstices of general history, and to illustrate several passages, which were but slightly mentioned by Cicero; as well as to add some stories and circumstances which tradition had preserved, concerning either Cicero himself, or any of the chief actors, whose characters I had delineated.

But the Greek historians, who treat professedly of these times, Plutarch, Appian, Dio, though they are all very useful for illustrating many important facts of ancient history, which would otherwise have been lost, or imperfectly transmitted to us, are not yet

* Nec tamen exprimi verbum e verbo necesse erit, ut interpretes indiserti solent. Cic. de Fin. 3. 4.

† Quis autem sumpsit hujus libros in manum, quin surrexerit animo sedatiore? —Erasm. Ep. ad Jo. Ulatten.

to be read without some caution; as being strangers to the language and customs of Rome, and liable to frequent mistakes, as well as subject to prejudices in their relation of Roman affairs. Plutarch lived from the reign of Claudius to that of Hadrian; in which he died very old, in the possession of the priesthood of the Delphic Apollo; and though he is supposed to have resided in Rome near forty years, at different times, yet he never seems to have acquired a sufficient skill in the Roman language, to qualify himself for the compiler of a Roman history. But if we should allow him all the talents requisite to an historian, yet the attempt of writing the lives of all the illustrious Greeks and Romans, was above the strength of any single man, of what abilities and leisure soever; much more of one who, as he himself tells us, was so engaged in public business, and in giving lectures of philosophy to the great men of Rome, that he had not time to make himself master of the Latin tongue, nor to acquire any other knowledge of its words, than what he had gradually learnt by a previous use and experience of things:* his work, therefore, from the very nature of it, must needs be superficial and imperfect, and the sketch, rather than the completion, of a great design.

This we find to be actually true in his account of Cicero's life, where, besides the particular mistakes that have been charged upon him by other writers, we see all the marks of haste, inaccuracy, and want of due information, from the poverty and perplexity of the whole performance. He huddles over Cicero's greatest acts in a summary and negligent manner, yet dwells upon his dreams and his jests, which, for the greatest part, were probably spurious; and, in the last scene of his life, which was of all the most glorious, when the whole councils of the empire, and the fate and liberty of Rome rested on his shoulders, there he is more particularly trifling and empty; where he had the fairest opportunity of displaying his character to advantage, as well as of illustrating a curious part of history, which has not been well explained by any writer; though there are the amplest materials for it in Cicero's Letters and Philippic Orations, of which Plutarch appears to have made little or no use.

Appian flourished likewise in the reign of Hadrian,† and came to Rome probably about the time of Plutarch's death, while his works were in every body's hands, which he has made great use of, and seems to have copied very closely, in the most considerable passages of his history.

Dio Cassius lived still later, from the time of the Antonines to that of Alexander Severus; and, besides the exceptions that lie against him, in common with the other two, is observed to have conceived a particular prejudice against Cicero, whom he treats, on all occasions, with the utmost malignity. The most obvious cause of it seems to be, his envy to a man, who, for arts and elo-

* Vid. Plut. in vit. Demosthen. init. et vit. Plutarchi per Rualdum. c. 14.
† Vid. App. de Bell. civ. l. 2. p. 481.

quence, was thought to eclipse the fame of Greece; and, by explaining all the parts of philosophy to the Romans, in their own language, had superseded, in some measure, the use of the Greek learning and lectures at Rome, to which the hungry wits of that nation owed both their credit and their bread. Another reason, not less probable, may be drawn likewise from Dio's character and principles, which were wholly opposite to those of Cicero: he flourished under the most tyrannical of the emperors, by whom he was advanced to great dignity; and, being the creature of despotic power, thought it a proper compliment to it, to deprecate a name, so highly revered for its patriotism; and whose writings tended to revive that ancient zeal and spirit of liberty, for which the people of Rome were once so celebrated; for we find him taking all occasions, in his history, to prefer an absolute and monarchical government, to a free and democratical one, as the most beneficial to the Roman state.*

These were the grounds of Dio's malice to Cicero, which is exerted often so absurdly, that it betrays and confutes itself. Thus, in the debates of the senate about Antony, he dresses up a speech for Fufius Calenus, filled with all the obscene and brutal ribaldry, against Cicero, that a profligate mind could invent; as if it were possible to persuade any man of sense, that such infamous stuff could be spoken in the senate, at a time when Cicero had an entire ascendant in it, who, at no time, ever suffered the least insult upon his honour, without chastising the aggressor for it upon the spot: whereas Cicero's speeches, in these very debates, which are still extant, shew, that though they were managed with great warmth of opposition, yet it was always with decency of language between him and Calenus; whom, while he reproves and admonishes, with his usual freedom, yet he treats with civility, and sometimes even with compliments.†

But a few passages from Dio himself will evince the justice of this censure upon him: he calls Cicero's father a fuller, who yet got his livelihood, he says, by dressing other people's vines and olives; that Cicero was born and bred amidst the scourings of old clothes, and the filth of dunghills; that he was master of no liberal science, nor ever did a single thing in his life worthy of a great man, or an orator: that he prostituted his wife; trained up his son in drunkenness; committed incest with his daughter; lived in adultery with Cerellia, whom he owns, at the same time, to be

* Vid, Dio. l. 44. init.

† Nam quod me tecum iracunde agere dixisti solere, non est ita. Vehementer me agere fateor; iracunde nego: omnino irasci amicis non temere soleo, ne si merentur quidem. Itaque sine verborum contumelia a te dissentire possum, sine animi summo dolore non possum. [Phil. 8. 5.] Satis multa cum Fufio, ac sine odio omnia; nihil sine dolore. [ib. 6.] Quapropter ut invitus sæpe dissensi a Q. Fufio, ita sum libenter assensus ejus sententiæ: ex quo judicare debetis me non cum homine solere, sed cum causa dissidere. Itaque non assentior solum, sed etiam gratias ago Q. Fufio, &c. Phil. xi. 6.

seventy years old:* all which palpable lies, with many more of the same sort, that he tells of Cicero, are yet full as credible, as what he declares afterwards of himself, that he was admonished and commanded, by a vision from heaven, against his own will and inclination, to undertake the task of writing his history.†

Upon these collections from Cicero, and the other ancients, I finished the first draught of my history, before I began to inquire after the modern writers, who had treated the same subject before me, either in whole or in part. I was unwilling to look into them sooner, lest they should fix any prejudice insensibly upon me, before I had formed a distinct judgment on the real state of the facts, as they appeared to me from their original records. For in writing history, as in travels, instead of transcribing the relations of those, who have trodden the same ground before us, we should exhibit a series of observations, peculiar to ourselves; such as the facts and places suggested to our own minds, from an attentive survey of them, without regard to what any one else may have delivered about them; and though, in a production of this kind, where the same materials are common to all, many things must necessarily be said, which had been observed already by others; yet, if the author has any genius, there will always be enough of what is new, to distinguish it as an original work, and to give him a right to call it his own, which I flatter myself will be allowed to me in the following history. In this inquiry after the modern pieces, which had any connexion with my argument, I got notice presently of a greater number than I expected, which bore the title of Cicero's life; but, upon running over as many of them as I could readily meet with, I was cured of my eagerness for hunting out the rest, since I perceived them to be nothing else but either trifling panegyrics on Cicero's general character, or imperfect abstracts of his principal acts, thrown together within the compass of a few pages in duodecimo.

There are two books, however, which have been of real use to me, Sebastiani Corradi Quæstura, and M. T. Ciceronis Historia a Francisco Fabricio: the first was the work of an Italian critic, of eminent learning, who spent a great part of his life in explaining Cicero's writings; but it is rather an apology for Cicero, than the history of his life, its chief end being to vindicate Cicero's character from all objections that have ever been made to it; and particularly from the misrepresentations of Plutarch, and the calumnies of Dio. The piece is learned and ingenious, and written in good Latin; yet the dialogue is carried on with so harsh and forced an allegory, of a quæstor, or treasurer, producing the several testimonies of Cicero's acts, under the form of genuine money, in opposition to the spurious coins of the Greek historians, that none can read it with pleasure, few with patience: the observations, however, are generally just and well grounded, except that the author's zeal for Cicero's honour gets the better, sometimes, of his judgment, and draws him

* Vid. Dio, l. 46. p. 295, &c. † Ib. l. 73. p. 328.

into a defence of his conduct, where Cicero himself has even condemned it.

Fabricius's history is prefixed to several editions of Cicero's works, and is nothing more than a bare detail of his acts and writings, digested into exact order, and distinguished by the years of Rome, and of Cicero's life, without any explication or comment, but what relates to the settlement of the time, which is the sole end of the work. But as this is executed with diligence and accuracy, so it has eased me of a great share of that trouble, which I must otherwise have had, in ranging my materials into their proper places; in which task, however, I have always taken care to consult also the annals of Pighius.

I did not forget to pay a due attention to the French authors, whose works happened to coincide with any part of mine; particularly the History of the two Triumvirates;—of the Revolutions of the Roman Government; and of the Exile of Cicero—which are all of them ingenious and useful, and have given a fair account of the general state of the facts, which they profess to illustrate. But as I had already been at the fountain-head, whence they had all drawn their materials, so the chief benefit that I received from them was, to make me review with stricter care the particular passages in which I differed from them, as well as to remind me of some few things which I had omitted, or touched perhaps more slightly than they deserved. But the author of the Exile has treated his argument the most accurately of them, by supporting his story, as he goes along, with original testimonies from the old authors; which is the only way of writing history that can give satisfaction, or carry conviction along with it, by laying open the ground on which it is built; without which, history assumes the air of romance, and makes no other impression, than in proportion to our opinion of the judgment and integrity of the compiler.

There is a little piece also in our own language, called, Observations on the Life of Cicero, which, though it gives a very different account of Cicero from what I have done, yet I could not but read with pleasure, for the elegance and spirit with which it is written, by one who appears to be animated with a warm love of virtue. But to form our notions of a great man, from some slight passages of his writings, or separate points of conduct, without regarding their connexion with the whole, or the figure that they make in his general character, is like examining things in a microscope, which were made to be surveyed in the gross; every mole rises into a mountain, and the least spot into a deformity, which vanish again into nothing, when we contemplate them through their proper medium, and in their natural light. I persuade myself, therefore, that a person of this writer's good sense and principles, when he has considered Cicero's whole history, will conceive a more candid opinion of the man, who, after a life spent in a perpetual struggle against vice, faction, and tyranny, fell a martyr at last to the liberty of his country.

As I have had frequent occasion to recommend the use of Cicero's letters to Atticus, for their giving the clearest light into the

history of those times; so I must not forget to do justice to the pains of one, who, by an excellent translation, and judicious comment upon them, has made that use more obvious and accessible to all: I mean the learned Mr. Mongault; who, not content with retailing the remarks of other commentators, or, out of the rubbish of their volumes, with selecting the best, enters upon his task with the spirit of a true critic, and by the force of his own genius, has happily illustrated many passages, which all the interpreters before him had given up as inexplicable. But since the obscurity of these letters is now, in great measure, removed, by the labours of this gentleman, and especially to his own countryman, for whose particular benefit, and in whose language, he writes; one cannot help wondering, that the Jesuits, Catrou and Rouillé, should not think it worth while, by the benefit of his pains, to have made themselves better acquainted with them; which, as far as I am able to judge, from the little part of their history, that I have had the curiosity to look into, would have prevented several mistakes, which they have committed, with regard both to the facts and persons of the Ciceronian age.

But, instead of making free with other people's mistakes, it would become me perhaps better to bespeak some favour for my own. "An historian," says Diodorus Siculus, "may easily be pardoned for slips of ignorance, since all men are liable to them, and the truth hard to be traced from past and remote ages: but those, who neglect to inform themselves, and through flattery to some, or hatred to others, knowingly deviate from the truth, justly deserve to be censured." For my part, I am far from pretending to be exempt from errors: all that I can say, is, that I have committed none wilfully, and used all the means, which occurred to me, of defending myself against them: but since there is not a single history, either ancient or modern, that I have consulted, on this occasion, in which I cannot point out several, it would be arrogant in me to imagine, that the same inadvertency, or negligence, or want of judgment, may not be discovered also in mine; if any man, therefore, will admonish me of them with candour, I shall think myself obliged to him, as a friend to my work, for assisting me to make it more perfect, and consequently more useful: for my chief motive in undertaking it was, not to serve any particular cause, but to do a general good by offering to the public the example of a character, which, of all that I am acquainted with in antiquity, is the most accomplished with every talent, that can adorn civil life; and the best fraught with lessons of prudence and duty, for all conditions of men, from the prince to the private scholar.

If my pains therefore should have the effect, which I propose, of raising a greater attention to the name and writings of Cicero, and making them better understood and more familiar to our youth; I cannot fail of gaining my end; for the next step to admiring is, to imitate; and it is not possible to excite an affection for Cicero, without instilling an affection, at the same time, for every thing that is laudable: since how much soever people may differ in their

opinion of his conduct, yet all have constantly agreed in their judgment of his works; that there are none now remaining to us from the heathen world, that so beautifully display, and so forcibly recommend, all those generous principles, that tend to exalt and perfect human nature; the love of virtue, liberty, our country, and of all mankind.

I cannot support this reflection by a better authority, than that of Erasmus; who, having contracted some prejudices against Cicero when young, makes a recantation of them when old, in the following passage of a letter to his friend Ulattenus.*

"When I was a boy," says he, "I was fonder of Seneca than of "Cicero; and, till I was twenty years old, could not bear to spend "any time in reading him; while all the other writers of antiquity "generally pleased me. Whether my judgment be improved by "age, I know not; but am certain that Cicero never pleased me so "much, when I was fond of those juvenile studies, as he does now, "when I am grown old; not only for the divine felicity of his "style, but the sanctity of his heart and morals: in short, he has "inspired my soul, and made me feel myself a better man. I make "no scruple, therefore, to exhort our youth, to spend their hours "in reading and getting his books by heart, rather than in the vex-"atious squabbles and peevish controversies, with which the world "abounds. For my own part, though I am now in the decline of "life, yet as soon as I have finished what I have in hand, I shall "think it no reproach to me, to seek a reconciliation with my Ci-"cero, and renew an old acquaintance with him, which, for many "years, has been unhappily intermitted."

Before I conclude this preface, it will not be improper to add a short abstract, or general idea, of the Roman government, from its first institution by Romulus, to the time of Cicero's birth; that those, who have not been conversant in the affairs of Rome, may not come entire strangers to the subject of the following history.

The constitution of Rome is very often celebrated by Cicero, and other writers, as the most perfect of all governments; being happily tempered and composed of the three different sorts, that are usually distinguished from each other; the monarchical, the aristocratical, and the popular.† Their king was elected by the people, as the head of the Republic; to be their leader in war, the guardian of the laws in peace; the senate was his council, chosen also by the people, by whose advice he was obliged to govern himself in all his measures: but the sovereignty was lodged in the body of the citizens, or the general society; whose prerogative it was, to enact laws, create magistrates, declare war,‡ and to receive appeals in all cases, both from the king and the

* Erasm. Ep. ad Jo. Ulatt. in Cic. Tuscul. Quæst.

† Statuo esse optime constitutam Rempub. quæ ex tribus generibus illis, regali, optimo, et populari, confusa modice.—Fragm. de Rep. 2.

Cum in illis de Repub. libris persuadere videatur Africanus, omnium Rerumpublicarum nostram veterem illam fuisse optimam. De Leg. 2. 10. Polyb. l. 6. p. 469. Dion. Hal. l. 2. 82.

‡ Dion. Hal. l. 2. 87.

senate. Some writers have denied this right of an appeal to the people: but Cicero expressly mentions it among the regal constitutions, as old as the foundation of the city;* which he had demonstrated more at large in his treatise on the Republic; whence Seneca has quoted a passage in confirmation of it: and intimates, that the same right was declared likewise in the pontifical books.† Valerius Maximus gives us an instance of it, which is confirmed also by Livy, that Horatius, being condemned to die by King Tullus, for killing his sister, was acquitted upon his appeal to the people.‡

This was the original constitution of Rome, even under their kings: for, in the foundation of a state, where there was no force to compel, it was necessary to invite men into it, by all proper encouragements; and none could be so effectual, as the assurance or liberty, and the privilege of making their own laws.§ But the kings, by gradual encroachments, having usurped the whole administration to themselves, and, by the violence of their government, being grown intolerable to a city, trained to liberty and arms, were finally expelled by a general insurrection of the senate and the people. This was the ground of that invincible fierceness, and love of their country, in the old Romans, by which they conquered the world; for the superiority of their civil rights naturally inspired a superior virtue and courage to defend them; and made them, of course, the bravest, as long as they continued the freest, of all nations.

By this revolution of the government, their old constitution was not so much changed, as restored to its primitive state: for though the name of king was abolished, yet the power was retained; with this only difference, that instead of a single person chosen for life, there were two chosen annually, whom they called consuls: invested with all the prerogatives and ensigns of royalty, and presiding in the same manner in all the affairs of the Republic;‖ when, to convince the citizens that nothing was sought by the change, but to secure their common liberty; and to establish their sovereignty again on a more solid basis; one of the first consuls, P. Valerius Poplicola, confirmed, by a new law, their fundamental right of an appeal to them in all cases; and, by a second law, made it capital

* Nam cum a primo Urbis orta, regiis institutis, partim etiam legibus, auspicia, cæremoniæ, comitia, *provocationes*—divinitus essent instituta.—Tusc. Quæst. 4. 1.

† Cum Ciceronis libros de Repub. prehendit—notat, *Provocationem* ad populum etiam a regibus fuisse. Id ita in *Pontificalibus libris* aliqui putant et Fenestella.—Senec. Ep. 108.

‡ M. Horatius interfectæ sororis crimine a Tullo Rege damnatus, ad populum provocato judicio absolutus est.—Val. Max. 1. 8. 1. vid. Liv. 1. 26.

§ Romulus seems to have borrowed the plan of his new state from the old government of Athens, as it was instituted by Theseus; who prevailed with the dispersed tribes and families of Attica to form themselves into one city, and live within the same walls, under a free and popular government; distributing its rights and honours promiscuously to them all; and reserving no other prerogative to himself, but to be their captain in war, and the guardian of their laws, &c.—Vid. Plut. in Theseo. p. xi.

‖ Sed quoniam regale civitatis genus, probatum quondam, non tam regni, quam regis vitiis repudiatum est; nomen tamen videbitur regis repudiatum, res manebit, si unus omnibus reliquis Magistratibus imperabit.—De Leg. 3. 7.

for any man to exercise a magistracy in Rome, without their special appointment:* and as a public acknowledgment of their supreme authority, the same consul never appeared in any assembly of the people, without bowing his fasces or maces to them; which was afterwards the constant practice of all succeeding consuls.† Thus the Republic reaped all the benefit of a kingly government, without the danger of it; since the consuls, whose reign was but annual and accountable, could have no opportunity of invading its liberty, and erecting themselves into tyrants.

By the expulsion of the kings, the city was divided into two great parties, the aristocratical and the popular; or the senate and the plebeians;‡ naturally jealous of each other's power, and desirous to extend their own: but the nobles or patricians, of whom the senate was composed, were the most immediate gainers by the change, and, with the consuls at their head, being now the first movers and administrators of all the deliberations of the state, had a great advantage over the people: and, within the compass of sixteen years, became so insolent and oppressive, as to drive the body of the plebeians to that secession into the sacred mount, whence they would not consent to return, till they had extorted a right of creating a new order of magistrates, of their own body, called tribunes, invested with full powers to protect them from all injuries, and whose persons were to be sacred and inviolable.‖

The plebeian party had now got a head exactly suited to their purpose; subject to no control; whose business it was to fight their battles with the nobility; to watch over the liberties of the citizens; and to distinguish themselves in their annual office, by a zeal for the popular interest, in opposition to the aristocratical: who, from their first number, five, being increased afterwards to ten, never left teazing the senate with fresh demands, till they had laid open to the plebeian families a promiscuous right to all the magistracies of the Republic, and by that means a free admission into the senate.

Thus far they were certainly in the right, and acted like true patriots; and, after many sharp contests, had now brought the government of Rome to its perfect state, when its honours were no longer confined to particular families, but proposed equally and indifferently to every citizen; who, by his virtue and services, either in war or peace, could recommend himself to the notice and favour of his countrymen: while the true balance and temperament of power between the senate and people, which was generally observed in regular times, and which the honest wished to establish in all times, was, that the senates should be the authors and advisers

* Dion. Hal. l. 5. 292.

† Vocato ad concilium populo, summissis fascibus in concionem ascendit. Liv. 2. 7.

‡ Duo genera semper in hac civitate fuerunt,—ex quibus alteri se populares, alteri optimates et haberi et esse voluerunt. Qui ea, quæ faciebant, quæque dicebant, jucunda multitudini esse volebant, populares; qui autem ita se gerebant, ut sua consilia optimo cuique probarent optimates habebantur.—Pro Sext. 45.

‖ Dion. Hal. 6. 410.

of all the public counsels, but the people give them their sanction and legal force.

The tribunes, however, would not stop here; nor were content with securing the rights of the commons, without destroying those of the senate; and as oft as they were disappointed in their private views, and obstructed in the course of their ambition, used to recur always to the populace; whom they could easily inflame to what degree they thought fit, by the proposal of factious laws for dividing the public lands to the poorer citizens; or by the free distribution of corn; or the abolition of all debts; which are all contrary to the quiet, and discipline, and public faith of societies. This abuse of the tribunician power was carried to its greatest height by the two Gracchi, who left nothing unattempted, that could mortify the senate, or gratify the people;* till, by their agrarian laws, and other seditious acts, which were greedily received by the city, they had in great measure overturned the equilibrium of power in the Republic, on which its peace and prosperity depended.

But the violent deaths of these two tribunes, and of their principal adherents, put an end to their sedition, and was the first civil blood that was spilt in the streets of Rome, in any of their public dissensions; which, till this time, had always been composed by the methods of patience and mutual concessions. It must seem strange to observe how these two illustrious brothers, who, of all men, were the dearest to the Roman people, yet, upon the first resort to arms, were severally deserted by the multitude, in the very height of their authority, and suffered to be cruelly massacred, in the face of the whole city: which shews what little stress is to be laid on the assistance of the populace, when the dispute comes to blows; and that sedition, though it may often shake, yet will never destroy, a free state, while it continues unarmed, and unsupported by a military force. But this vigorous conduct of the senate, though it seemed necessary to the present quiet of the city, yet soon after proved fatal to it; as it taught all the ambitious, by a most sensible experiment, that there was no way of supporting an usurped authority, but by force; so that, from this time, as we shall find in the following story, all those who aspired to extraordinary powers, and a dominion in the Republic, seldom troubled themselves with what the senate or people were voting at Rome, but came, attended by armies, to enforce their pretensions, which were always decided by the longest sword.

The popularity of the Gracchi was grounded on the real affections of the people, gained by many extraordinary privileges, and substantial benefits conferred upon them: but when force was found necessary to control the authority of the senate, and to support that interest, which was falsely called popular, instead of courting the multitude, by real services and beneficial laws, it was found a much shorter way to corrupt them by money; a method

* Nihil immotum, nihil tranquillum, nihil quietum denique in eodem statu relinquebat, &c.—Vell. Pat. 2. 6.

wholly unknown in the times of the Gracchi; by which the men of power had always a number of mercenaries at their devotion, ready to fill the Forum at any warning; who, by clamour and violence, carried all before them in the public assemblies, and came prepared to ratify whatever was proposed to them:* this kept up the form of a legal proceeding; while, by the terror of arms, and a superior force, the great could easily support, and carry into execution, whatever votes they had once procured in their favour by faction and bribery.

After the death of the young Gracchus, the senate was perpetually labouring to rescind, or to moderate, the laws, that he had enacted to their prejudice; especially one that affected them the most sensibly, by taking from them the right of judicature; which they had exercised from the foundation of Rome, and transferring it to the knights. This act, however, was equitable; for, as the senators possessed all the magistracies and governments of the empire, so they were the men whose oppressions were the most severely felt, and most frequently complained of: yet, while the judgment of all causes continued in their hands, it was their common practice, to favour and absolve one another, in their turns, to the general scandal and injury both of the subjects and allies; of which some late and notorious instances had given a plausible pretext for Gracchus's law. But the senate could not bear, with patience, to be subjected to the tribunal of an inferior order; which had always been jealous of their power, and was sure to be severe upon their crimes: so that, after many fruitless struggles to get this law repealed, Q. Servilius Cæpio, who was consul about twenty-five years after, procured at last a mitigation of it, by adding a certain number of senators to the three centuries of the knights or equestrian judges; with which the senate was so highly pleased, that they honoured this consul with the title of their patron.† Cæpio's law was warmly recommended by L. Crassus, the most celebrated orator of that age, who, in a speech upon it to the people, defended the authority of the senate with all the force of his eloquence: in which state of things, and in this very year of Cæpio's consulship, Cicero was born: and as Crassus's oration was published, and much admired, when he was a boy, so he took it, as he afterwards tells us, for the pattern both of his eloquence and his politics.‡

* Itaque homines seditiosi ac turbulenti—conductas habent conciones. Neque id agunt, ut ea dicant et ferant, quæ illi velint audire, qui in concione sunt: sed pretio ac mercede perficiunt, ut, quicquid dicant, id illi velle audire videantur. Num vos existimatis, Gracchos, aut Saturninum, aut quenquam illorum veterum, qui populares habebantur, ullum unquam in concione habuisse conductum? Nemo habuit. Pro Sext. 49.

† Is—consulatus decore, maximi pontificatus sacerdotio, ut Senatus patronus diceretur, assecutus. Val. Max. 6. 9.

‡ Suasit Serviliam legem Crassus—sed hæc Crassi cum edita est oratio—quatuor et triginta tum habebat annos, totidemque annis mihi ætate præstabat, iis enim Consulibus eam legem suasit, quibus nos nati sumus. [Brut. p. 274.] Mihi quidem a pueritia, quasi magistra fuit illa in legem Cæpionis oratio; in qua et auctoritas ornatur Senatus, pro quo ordine illa dicuntur—ib. 279.

THE

LIFE

OF

MARCUS TULLIUS CICERO.

SECTION I.

Coss—Q. Servilius Cœpio, C. Atilius Serranus.

MARCUS TULLIUS CICERO was born on the third of January,* in the six hundred forty-seventh year of Rome, about a hundred and seven years before CHRIST.† His birth, if we believe Plutarch, was attended by prodigies, foretelling the future eminence and lustre of his character, "which might "have passed," he says, "for idle dreams, had not "the event soon confirmed the truth of the predic- "tion:" but since we have no hint of these prodigies from Cicero himself, or any author of that age, we may charge them to the credulity or the invention of a writer who loves to raise the solemnity of his story by the introduction of something miraculous.

His mother was called Helvia; a name mentioned in history and old inscriptions among the honourable families of Rome. She was rich and well descended, and had a sister married to a Roman knight of distinguished merit, C. Aculeo, an intimate friend of the orator, L. Crassus, and celebrated for a singular knowledge of the law; in which his sons, likewise, our Cicero's cousin-germans, were afterwards very eminent.‡ It is remarkable, that Cicero never once speaks of his mother in any part of his writings; but his younger brother Quintus has left a little

* 111 Nonas Jan. natali meo. Ep. ad Att. 7. 5. it. 13. 42.

† This computation follows the common era of Christ's birth, which is placed three years later than it ought to be. Pompey the Great was born also in the same year, on the last of September. Vid. Pigh. Annal. Plin. 37. 2.

‡ De Orat. 1. 43. 2. 1.

story of her, which seems to intimate her good management and housewifery; "how she used to seal "all her wine casks, the empty as well as the full, "that when any of them were found empty and un- "sealed, she might know them to have been emptied "by stealth;" it being the most usual theft among the slaves of great families, to steal their master's wine out of the vessels.*

As to his father's family, nothing was delivered of it but in extremes:† which is not to be wondered at in the history of a man, whose life was so exposed to envy as Cicero's, and who fell a victim at last to the power of his enemies. Some derive his descent from kings, others from mechanics;‡ but the truth lay between both; for his family, though it had never borne any of the great offices of the Republic, was yet very ancient and honourable;§ of principal distinction and nobility in that part of Italy, in which it resided; and of equestrian rank,‖ from its first admission to the freedom of Rome.

Some have insinuated, that Cicero affected to say but little of the splendour of his family, for the sake of being considered as the founder of it; and chose

* Sicut olim matrem meam facere memini quæ lagenas etiam inanes obsignabat, ne dicerentur inanes aliquæ fuisse, quæ furtim essent exsiccatæ. Ep. fam. 16. 26.

——— posset qui ignoscere servis,
Et signo læso non insanire lagenæ. Hor.

† See Plutarch's life of Cicero.

‡ Regia progenies et Tullo sanguis ab alto. Sil. Ital.

§ Hinc enim orti stirpe antiquissima: hic sacra, hic genus, hic majorum multa vestigia. De Leg. 2. 1, 2.

‖ The *Equestrian* dignity, or that order of the Roman people, which we commonly call *Knights*, had nothing in it analogous or similar to any order of modern Knighthood, but depended entirely upon a *census*, or valuation of their estates, which was usually made every five years by the *Censors* in their *Lustrum*, or general review of the whole people: when all those citizens, whose entire fortunes amounted to the value of four hundred *Sestertia*, that is of 3,229l. of our money, were enrolled of course in the list of *Equites* or *Knights;* who were considered as a middle order between the Senators and the common people, yet without any other distinction, than the privilege of wearing a *gold ring*, which was the peculiar badge of their order. [Liv. 23. 12. Plin. Hist. 33. 1.] *The census* or estate necessary to a Senator, was double to that of a Knight: and if ever they reduced their fortunes below that standard, they forfeited their rank, and were struck out of the roll of their order by the Censors.

Si quadringentis sex septem millia desunt
Plebs eris——— Hor. Ep. 1. 1.57.

The Order of Knights therefore included in it the whole provincial nobility and gentry of the empire, which had not yet obtained the honour of the Senate.

to suppress the notion of his regal extraction, for the aversion that the people of Rome had to the name of King; with which however he was sometimes reproached by his enemies,* but those speculations are wholly imaginary: for as oft as there was occasion to mention the character and condition of his ancestors, he speaks of them always with great frankness, declaring them "to have been content "with their paternal fortunes, and the private ho- "nours of their own city, without the ambition of "appearing on the public stage of Rome." Thus in a speech to the people upon his advancement to the consulship; "I have no pretence," says he, "to "enlarge before you, upon the praises of my ances- "tors; not but they were all such as myself, who "am descended from their blood, and trained by "their discipline; but because they lived without "this applause of popular fame, and the splendour of "these honours, which you confer."† It is on this account, therefore, that we find him so often called a new man; not that his family was new or ignoble, but because he was the first of it, who ever sought and obtained the public magistracies of the state.

The place of his birth was Arpinum; a city anciently of the Samnites, now part of the kingdom of Naples; which, upon its submission to Rome, acquired the freedom of the city, and was inserted into the Cornelian tribe. It had the honour also of producing the great C. Marius; which gave occasion to Pompey to say, in a public speech, "That Rome was "indebted to this corporation for two citizens, who "had, each in his turn, preserved it from ruin."‡ It may justly, therefore, claim a place in the memory of posterity, for giving life to such worthies, who exemplified the character which Pliny gives of true glory, "by doing what deserved to be written, and "writing what deserved to be read;" and making

* Vid. Sebast. Corrad. Quæstura, p. 43, 44.
† De lege agrar. con. Rull. ad Quirites. 1.
‡ De Legib. 2. 3. Val. Max. 2. 2.

the world the happier and the better for their having lived in it.*

The territory of Arpinum was rude and mountainous, to which Cicero applies Homer's description of Ithaca;

————τρηχεῖ ἀλλ' ἀγαθὴ κουροτρόφος, &c.
'Tis rough indeed, yet breeds a gen'rous race.†

The family seat was about three miles from the town, in a situation extremely pleasant, and well adapted to the nature of the climate. It was surrounded with groves and shady walks, leading from the house to a river, called Fibrenus; "which was "divided into two equal streams, by a little island, "covered with trees and a portico, contrived both "for study and exercise, whither Cicero used to "retire, when he had any particular work upon his "hands. The clearness and rapidity of the stream, "murmuring through a rocky channel; the shade "and verdure of its banks, planted with tall poplars; the remarkable coldness of the water; and, "above all, its falling by a cascade into the nobler "river Liris, a little below the island, gives us the "idea of a most beautiful scene," as Cicero himself has described it. When Atticus first saw it, he was charmed with it, and wondered that Cicero did not prefer it to all his other houses; declaring a contempt of the laboured magnificence, marble pavements, artificial canals, and forced streams of the celebrated villas of Italy, compared with the natural beauties of this place.‡ The house, as Cicero says, was but small and humble in his grandfather's time, according to the ancient frugality, like the Sabine farm of old Curius; till his father beautified and enlarged it into a handsome and spacious habitation.

But there cannot be a better proof of the delightfulness of the place, than that it is now possessed by a convent of monks, and called the Villa of St. Dominic.§ Strange revolution! to see Cicero's por-

* Plin. Ep. † Ad Att. 2. xi. Odyss. 9. 27. ‡ De Legib. 2. 1, 2, 3.
§ Appresso la Villa di S. Domenico; hora cosi nominato questo luogo ove nacque

ticos converted to monkish cloisters! the seat of the most refined reason, wit, and learning, to a nursery of superstition, bigotry, and enthusiasm! What a pleasure must it give to these Dominican inquisitors, to trample on the ruins of a man, whose writings, by spreading the light of reason and liberty through the world, have been one great instrument of obstructing their unwearied pains to enslave it.

Cicero, being the first-born of the family, received, as usual, the name of his father, and grandfather, Marcus. This name was properly personal, equivalent to that of baptism with us, and imposed with ceremonies somewhat analogous to it, on the ninth day, called the lustrical, or day of purification;* when the child was carried to the temple by the friends and relations of the family, and, before the altars of the gods, recommended to the protection of some tutelar Deity.

Tullius was the name of the family; which, in old language, signified flowing streams, or ducts of water, and was derived, therefore, probably, from their ancient situation, at the confluence of the two rivers.†

The third name was generally added on account of some memorable action, quality, or accident, which distinguished the founder, or chief person of the family. Plutarch says, "that the surname of "Cicero was owing to a wart or excrescence on the "nose of one of his ancestors, in the shape of a "vetch, which the Romans called Cicer:"‡ but Pliny tells us more credibly, "that all those names, "which had a reference to any species of grain, as "the Fabii, Lentuli, &c. were acquired by a repu-"tation of being the best husbandmen, or improvers

Cicerone, come dice Pietro Marso, laquale Villa è discosta da Arpino da tre miglia. Vid. Leand. Alberti descrittione d'Italia, p. 267.

* Est Nundina Romanorum Dea, a nono nascentium die nuncupata, qui lustricus dicitur; est autem dies lustricus, quo infantes lustrantur et nomen accipiunt. Macrob. Sat. 1. 16.

† Pompeius Festus in voce Tullius.

‡ This has given rise to a blunder of some sculptors, who, in the busts of Cicero, have formed the resemblance of this vetch on his nose; not reflecting, that it was the name only, and not the vetch itself, which was transmitted to him by his ancestors.

"of that species."* As Tullius, therefore, the family name, was derived from the situation of the farm, so Cicero, the surname, from the culture of it by vetches. This, I say, is the most probable, because agriculture was held the most liberal employment in old Rome, and those tribes, which resided on their farms in the country, the most honourable; and this very grain, from which Cicero drew his name, was, in all ages of the Republic, in great request with the meaner people; being one of the usual largesses bestowed upon them by the rich, and sold every where in the theatres and streets ready parched or boiled for present use.†

Cicero's grandfather was living at the time of his birth, and from the few hints, which are left of him, seems to have been a man of business and interest in his country.‡ He was at the head of a party in Arpinum, in opposition to a busy turbulent man, M. Gratidius, whose sister he had married, who was pushing forward a popular law, to oblige the town to transact all their affairs by ballot. The cause was brought before the consul Scaurus; in which old Cicero behaved himself so well, that the consul paid him the compliment to wish, "that a man of "his spirit and virtue would come and act with "them in the great theatre of the Republic, and not "confine his talents to the narrow sphere of his own "corporation."‖ There is a saying likewise recorded of this old gentleman, "that the men of those "times were like the Syrian slaves; the more Greek "they knew, the greater knaves they were:" § which

* Hist. Nat. 18. 3. 1.

† In cicere etque faba, bona tu perdasque lupinis,
Latus ut in Circo spatiere et æneus ut stes.
Hor. Sat. l. 2. 3. 182.
Nec siquid fricti ciceris probat et nucis emtor.
Art. poet. 249.

‡ De Legib. 2. 1.

‖ Ac nostro quidem huic, cum res esset ad se delata, consul Scaurus, utindm, inquit, M. Cicero, isto animo atque virtute, in summa Repub. nobiscum versari, quam in municipali voluisses! Ibid. 3. 16.

§ Nostros homines similes esse Syrorum venalium; ut quisque optime Græce sciret, ita esse nequissimum. De Orat. 2. 66.

N. B. A great part of the slaves in Rome were Syrians; for the pirates of Cilicia, who used to infest the coasts of Syria, carried all their captives to the market of

carries with it the notion of an old patriot, severe on the importation of foreign arts, as destructive of the discipline and manners of his country. This grandfather had two sons: Marcus the elder, the father of our Cicero; and Lucius, a particular friend of the celebrated orator, M. Antonius, whom he accompanied to his government of Cilicia;* and who left a son of the same name, frequently mentioned by Cicero with great affection, as a youth of excellent virtue and accomplishments.†

His father Marcus also was a wise and learned man, whose merit recommended him to the familiarity of the principal magistrates of the Republic, especially Cato, L. Crassus, and L. Cæsar;‡ but being "of an infirm and tender constitution, he spent his life chiefly at Arpinum, in an elegant retreat, and the study of polite letters.‖

But his chief employment, from the time of his having sons, was to give them the best education which Rome could afford, in hopes to excite in them an ambition of breaking through the indolence of the family, and aspiring to the honours of the state. They were bred up with their cousins, the young Aculeos, in a method approved and directed by L. Crassus; a man of the first dignity, as well as the first eloquence in Rome, and by those very masters, whom Crassus himself made use of.§ The Romans were, of all people, the most careful and exact in the education of their children: their attention to it began from the moment of their birth; when they committed them to the care of some prudent matron of reputable character and condition, whose business it was to form their first

Delos, and sold them there to the Greeks, through whose hands they usually passed to Rome: those slaves, therefore, who had lived the longest with their Grecian masters, and consequently talked Greek the best, were the most practised in all the little tricks and craft that servitude naturally teaches; which old Cicero, like Cato the Censor, imputed to the arts and manners of Greece itself. Vid. Adr. Turneb. in jocos Ciceron.

* De Orat. 2. 1. † De Finib. 5. 1. ad Att. 1. 5. ‡ Ep. fam. 15. 4. de Orat. 2. 1.

‖ Qui cum esset infirma valetudine, hic fere ætatem egit in literis. De Legib. 2. 1

§ Cumque nos cum consobrinis nostris, Aculeonis filiis, et ea discceremus, quæ Crasso placerent, et ab iis doctoribus, quibus ille uteretur, erudiremur. De Orat. 2. 1

habits of acting and speaking; to watch their growing passions, and direct them to their proper objects; to superintend their sports, and suffer nothing immodest or indecent to enter into them; that the mind, preserved in its innocence, nor depraved by a taste of false pleasure, might be at liberty to pursue whatever was laudable, and apply its whole strength to that profession, in which it desired to excel.*

It was the opinion of some of the old masters, that children should not be instructed in letters till they were seven years old; but the best judges advised, that no time of culture should be lost, and that their literary instruction should keep pace with their moral; that three years only should be allowed to the nurses, and when they first began to speak, that they should begin also to learn.† It was reckoned a matter likewise of great importance, what kind of language they were first accustomed to hear at home, and in what manner not only their nurses, but their fathers and even mothers spoke; since their first habits were then necessarily formed, either of a pure or corrupt elocution: thus the two Gracchi were thought to owe that elegance of speaking, for which they were famous, to the institution of their mother Cornelia; a woman of great politeness, whose epistles were read and admired, long after her death, for the purity of their language.‡

This, probably, was a part of that domestic discipline, in which Cicero was trained, and of which he often speaks: but as soon as he was capable of a more enlarged and liberal institution, his father brought him to Rome, where he had a house of his own,‖ and placed him in a public school, under an

* Eligebatur autem aliqua major natu propinqua, cujus probatis, spectatisque moribus, omnis cujuspiam familiæ soboles committeretur, &c. quæ disciplina et severitas eo pertinebat, ut sincera et integra et nullis pravitatibus detorta uniuscujusque natura, toto statim pectore arriperet artes honestas, &c. Tacit. Dial. de Oratorib. 28.

† Quintil. 1. 1.

‡ Ibid. it. in Brut. p. 319. edit. Sebast. Corradi.

‖ This is a further proof of the wealth and flourishing condition of his family; since the rent of a moderate house in Rome, in a reputable part of the city, fit for one of equestrian rank, was about two hundred pounds sterling per ann.

eminent Greek master, which was thought the best way of educating one, who was designed to appear on the public stage, and who, as Quintilian observes, ought to be so bred, as not to fear the sight of men; since that can never be rightly learned in solitude, which is to be produced before crowds.* Here he gave the first specimen of those shining abilities, which rendered him afterwards so illustrious; and his schoolfellows carried home such stories of his extraordinary parts and quickness in learning, that their parents were often induced to visit the school, for the sake of seeing a youth of such surprising talents.†

About this time a celebrated rhetorician, Plotius, first set up a Latin school of eloquence in Rome, and had a great resort to him:‡ young Cicero was very desirous to be his scholar, but was over-ruled in it by the advice of the learned, who thought the Greek masters more useful in forming him to the bar, for which he was designed. This method of beginning with Greek is approved by Quintilian; because "the "Latin would come of itself, and it seemed most "natural to begin from the fountain, whence all the "Roman learning was derived; yet the rule, he "says, must be practised with some restriction, nor "the use of a foreign language pushed so far, to the "neglect of the native, as to acquire with it a foreign "accent and vicious pronunciation."‖

Cicero's father, encouraged by the promising genius of his son, spared no cost nor pains to improve it by the help of the ablest masters, and among the other instructors of his early youth, put him under the care of the poet Archias, who came to Rome with a high reputation for learning and poetry, when Cicero was about five years old, and lived in the family of Lucullus:§ for it was the custom of the great in those days to entertain in their houses the principal scholars and philosophers of Greece, with

* L. 1. 2. † Plutarch, in his Life. ‡ Sueton. de claris Rhetoribus, c. 2.
‖ L. 1. 1. § Pro Archia. 1. 3.

a liberty of opening a school, and teaching, together with their own children, any of the other young nobility and gentry of Rome. Under this master Cicero applied himself chiefly to poetry, to which he was naturally addicted, and made such a proficiency in it, that while he was still a boy, he composed and published a poem, called Glaucus Pontius, which was extant in Plutarch's time.*

After finishing the course of these puerile studies, it was the custom to change the habit of the boy for that of the man, and take what they called the manly gown, or the ordinary robe of the citizens: this was an occasion of great joy to the young men; who by this change passed into a state of greater liberty and enlargement from the power of their tutors.† They were introduced at the same time into the Forum, or the great square of the city, where the assemblies of the people were held, and the magistrates used to harangue to them from the rostra, and where all the public pleadings and judicial proceedings were usually transacted: this therefore was the grand school of business and eloquence! the scene, on which all the affairs of the empire were determined, and where the foundation of their hopes and fortunes were to be laid: so that they were introduced into it with much solemnity, attended by all the friends and dependants of the family, and after Divine rites performed in the Capitol, were committed to the special protection of some eminent senator, distinguished for his eloquence or knowledge of the laws, to be instructed by his advice in the management of civil affairs, and to form themselves by his example for useful members and magistrates of the Republic.

Writers are divided about the precise time of changing the puerile for the manly gown: what seems

* Plutarch.——This Glaucus was a fisherman of Anthedon in Bœotia, who, upon eating a certain herb, jumped into the sea, and became a sea-god: the place was ever after called Glaucus's leap; where there was an oracle of the god, in great vogue with all seamen; and the story furnished the argument to one of Æschylus's tragedies. Pausan. Bœot. c. 22.

† Cum primum pavido custos mihi purpura cessit.

Pers. Sat. 5. 30.

the most probable, is, that in the old Republic it was never done till the end of the seventeenth year; but when the ancient discipline began to relax, parents, out of indulgence to their children, advanced this era of joy one year earlier, and gave them the gown at sixteen, which was the custom in Cicero's time. Under the Emperors, it was granted at pleasure, and at any age, to the great, or their own relations; for Nero received it from Claudius, when he just entered into his fourteenth year, which, as Tacitus says, was given before the regular season.*

Cicero, being thus introduced into the Forum, was placed under the care of Q. Mucius Scævola, the augur, the principal lawyer, as well as statesman of that age; who had passed through all the offices of the Republic, with a singular reputation of integrity, and was now extremely old: Cicero never stirred from his side, but carefully treasured up in his memory all the remarkable sayings which dropped from him, as so many lessons of prudence for his future conduct;† and after his death applied himself to another of the same family, Scævola the high priest, a person of equal character for probity and skill in the law; who, though he did not profess to teach, yet freely gave his advice to all the young students who consulted him.‡

Under these masters he acquired a complete knowledge of the laws of his country; a foundation useful to all who design to enter into public affairs; and thought to be of such consequence at Rome, that it was the common exercise of boys at school to learn the laws of the twelve tables by heart, as they did their poets and classic authors.‖ Cicero particularly took such pains in this study, and was so well acquainted with the most intricate parts of it, as to be able to sustain a dispute on any question, with the greatest lawyers of his age:§ so that in pleading

* Ann. 12. 41. Vid. Norris Cenotaph. Pisan. Disser. 2. c. 4. it. Sueton. August. 8. et Notas Pitisci.

† De Amicit. 1. ‡ Brut. p. 89. Edit. Seb. Corradi. ‖ De Legib. 2. 23.

§ Ep. fam. 7. 22.

once against his friend S. Sulpicius, he declared, by way of raillery, what he could have made good likewise in fact, that if he provoked him, he would profess himself a lawyer in three days' time.‡

The profession of the law, next to that of arms and eloquence, was a sure recommendation to the first honours of the Republic,§ and for that reason was preserved, as it were hereditary, in some of the noblest families of Rome;‖ who, by giving their advice gratis to all who wanted it, engaged the favour and observance of their fellow citizens, and acquired great authority in all the affairs of state. It was the custom of these old senators, eminent for their wisdom and experience, to walk every morning up and down the Forum, as a signal of their offering themselves freely to all, who had occasion to consult them, not only in cases of law, but in their private and domestic affairs.* But in later times they chose to sit at home with their doors open, in a kind of throne or raised seat, like the confessors in foreign churches, giving access and audience to all people. This was the case of the two Scævolas, especially the augur, whose house was called the oracle of the city;† and who, in the Marsic war, when worn out with age and infirmities, gave free admission every day to all the citizens, as soon as it was light, nor was ever seen by any in his bed during that whole war.¶

But this was not the point that Cicero aimed at, to guard the estates only of the citizens: his views were much larger; and the knowledge of the law

‡ Pro Muræna, 13. § Ib. 14.

‖ Quorum vero patres aut majores aliqua gloria præstiterunt, ii student plerumque in eodem genere laudis excellere: ut Q. Mucius P. filius, in jure civili. Off. 1. 32. 2. 19.

* M. vero Manilium nos etiam vidimus transverso ambulantem foro; quod erat insigne, eum qui id faceret, facere civibus omnibus consilii sui copiam. Ad quos olim et ita ambulantes et in solio sedentes domi ita adibatur, non solum ut de jure civili ad eos verum etiam de filia collocanda——de omni denique aut officio aut negotio referretur. De Orat. 3. 33.

† Est enim sine dubio domus Jurisconsulti totius Oraculum civitatis. Testis est hujusce Q. Mucii janua, et vestibulum, quod in ejus infirmissima valetudine, jam vectaque jam ætate, maxima quotidie frequentia civium, ac summorum hominum splendore celebratur. De Orat. 1. 45.

¶ Philip. 8. 1.

was but one ingredient of many, in the character which he aspired to, of an universal patron, not only of the fortunes, but of the lives and liberties of his countrymen: for that was the proper notion of an orator, or pleader of causes; whose profession it was to speak aptly, elegantly, and copiously on every subject which could be offered to him, and whose art therefore included in it all other arts of the liberal kind, and could not be acquired to any perfection, without a competent knowledge of whatever was great and laudable in the universe. This was his own idea of what he had undertaken;* and his present business therefore was, to lay a foundation fit to sustain the weight of this great character: so that while he was studying the law under the Scævolas, he spent a large share of his time in attending the pleadings at the bar, and the public speeches of the magistrates, and never passed one day without writing and reading something at home; constantly taking notes, and making comments on what he read. He was fond, when very young, of an exercise, which had been recommended by some of the great orators before him, of reading over a number of verses of some esteemed poet, or a part of an oration, so carefully as to retain the substance of them in his memory, and then deliver the same sentiments in different words, the most elegant that occurred to him. But he soon grew weary of this, upon reflecting, that his authors had already employed the best words which belonged to their subject; so that if he used the same, it would do him no good, and if different, would even hurt him, by a habit of using worse. He applied himself, therefore, to another task, of more certain benefit; to translate into Latin the select speeches of the best Greek orators, which gave him an opportunity of observing and employing all the most elegant words of his own language, and of enriching it, at the same time, with new ones, borrowed or

* De Orat. 1. 5. 6. 13. 16.

imitated from the Greek.* Nor did he yet neglect his poetical studies; for he now translated Aratus on the Phænomena of the Heavens into Latin verse, of which many fragments are still extant; and published also an original poem, of the heroic kind, in honour of his countryman, C. Marius. This was much admired, and often read, by Atticus; and old Scævola was so pleased with it, that, in an epigram which he seems to have made upon it, he declares "that it would live as long as the Roman name and learning subsisted:"† there remains still a little specimen of it, describing a memorable omen given to Marius from the oak of Arpinum, which from the spirit and elegance of the description, shews that his poetical genius was scarce inferior to his oratorial, if it had been cultivated with the same diligence.‡ He published another poem, also, called Limon, of which Donatus has preserved four lines in the Life of Terence, in praise of the elegance and purity of that poet's style.‖ But while he was employing himself in these juvenile exercises, for the improvement of his invention, he applied himself, with no less industry, to philosophy, for the enlargement of his mind and understanding;

* De Orator. 1. 34.

† Eaque, ut ait Scævola de fratris mei Mario, —— canescet sæclis innumerabilibus. De Leg. 1. 1.

‡ Hic Jovis altisoni subito pinnata Satelles
Arboris e trunco, serpentis saucia morsu,
Subjugat ipsa feris transfigens unguibus anguem
Semianimum, et varia graviter cervice micantem;
Quem se interquentem lanians rostroque cruentans,
Jam satiata animos, jam duros ulta dolores,
Abjicit efflantem, et laceratum adfligit in unda,
Seque obitu a Solis, nitidos convertit ad ortus,
Hanc ubi præpetibus pennis lapsuq; volantem
Conspexit Marius, divini Numinis Augur,
Faustaque signa suæ laudis, reditusque notavit;
Partibus intonuit cœli Pater ipse sinistris.
Sic Aquilæ clarum firmavit Juppiter omen.

De Divin. 1. 47.

‖ We have no account of the argument of this piece, or of the meaning of its title; it was probably nothing more than the Greek word Λειμών; to intimate that the poem, like a meadow or garden, exhibited a variety of different faucies and flowers. The Grecks, as Pliny says, were fond of giving such titles to their books, as Παυδέκται, Ἐγχειρίδιον, Λειμών, &c. [Præf. Hist. Nat.] and Pamphilus the Grammarian, as Suidas tells us, published a Λειμών, or a collection of various subjects. Vid. in Pamphilus.

and, among his other masters, was very fond, at his age, of Phædrus, the Epicurean: but as soon as he had gained a little more experience and judgment of things, he wholly deserted and constantly disliked the principles of that sect; yet always retained a particular esteem for the man, on account of his learning, humanity, and politeness.*

The peace of Rome was now disturbed by a domestic war, which writers call the Italic, Social, or Marsic: it was begun by a confederacy of the principal towns of Italy, to support their demand of the freedom of the city: the tribune Drusus had made them a promise of it, but was assassinated in the attempt of publishing a law to confer it: this made them desperate, and resolve to extort by force, what they could not obtain by entreaty.† They alleged it to be unjust to exclude them from the rights of a city, which they sustained by their arms; that in all its wars they furnished twice the number of troops which Rome itself did; and had raised it to all that height of power, for which it now despised them.‡ This war was carried on for above two years, with great fierceness on both sides, and various success: two Roman consuls were killed in it, and their armies often defeated; till the confederates, weakened also by frequent losses, and the desertion of one ally after another, were forced at last to submit to the superior fortune of Rome.‖ During the hurry of the war, the business of the Forum was intermitted; the greatest part of the magistrates, as well as the pleaders, being personally engaged in it; Hortensius, the most flourishing young orator at the bar, was a volunteer in it the first year, and commanded a regiment the second.§

Cicero likewise took the opportunity to make a campaign, along with the consul Cn. Pompeius Strabo, the father of Pompey the Great: this was a constant part of the education of the young nobility; to learn the art of war by personal service,

* Ep. fam. 13. 1. † Philip. 12. 27. ‡ Vell. Pat. 2. 15.
‖ Flor. 3. 18. § Brut. 425.

under some general of name and experience; for in an empire raised and supported wholly by arms, a reputation of martial virtue was the shortest and surest way of rising to its highest honours; and the constitution of the government was such, that as their generals could not make a figure even in camps, without some institution in the politer arts, especially that of speaking gracefully;* so those, who applied themselves to the peaceful studies, and the management of civil affairs, were obliged to acquire a competent share of military skill, for the sake of governing provinces, and commanding armies, to which they all succeeded of course from the administration of the great offices of the state.

In this expedition Cicero was present at a conference between Pompeius the consul, and Vettius the general of the Marsi, who had given the Romans a cruel defeat the year before, in which the consul Rutilius was killed.† It was held in sight of the two camps, and managed with great decency: the consul's brother Sextus, being an old acquaintance of Vettius, came from Rome on purpose to assist at it; and, at the first sight of each other, after lamenting the unhappy circumstance of their meeting at the head of opposite armies, he asked Vettius by what title he should now salute him, of friend or enemy: to which Vettius replied, "Call me friend "by inclination; enemy by necessity."‡ Which shews, that these old warriors had not less politeness in their civil, than fierceness in their hostile encounters.

Both Marius and Sylla served as lieutenants to the consuls in this war, and commanded separate armies in different parts of Italy: but Marius performed nothing in it answerable to his great name and former glory: his advanced age had increased his caution, and after so many triumphs and consul-

* Quantum dicendi gravitate et copia valeat, in quo ipso inest quædam dignitas imperatoria.——pro leg. Manil. 14.

† Appian. Bell. civ. p. 376.

‡ Quem te appellem, inquit? at ille; voluntate hospitem, necessitate hostem. Phil. 12. xi.

ships, he was jealous of a reverse of fortune; so that he kept himself wholly on the defensive, and, like old Fabius, chose to tire out the enemy by declining a battle; content with snatching some little advantages, that opportunity threw into his hands, without suffering them, however, to gain any against him.* Sylla, on the other hand, was ever active and enterprising; he had not yet obtained the consulship, and was fighting for it, as it were, in the sight of his citizens: so that he was constantly urging the enemy to a battle, and glad of every occasion to signalize his military talents, and eclipse the fame of Marius; in which he succeeded to his wish, gained many considerable victories, and took several of their cities by storm, particularly Stabiæ, a town of Campania, which he utterly demolished.† Cicero, who seems to have followed his camp, as the chief scene of the war, and the best school for a young volunteer, gives an account of one action, of which he was eye witness, executed with great vigour and success; that as Sylla was sacrificing before his tent in the fields of Nola, a snake happened to creep out from the bottom of the altar; upon which Postumius, the haruspex, who attended the sacrifice, proclaiming it to be a fortunate omen, called out upon him to lead his army immediately against the enemy: Sylla took the benefit of the admonition, and drawing out his troops without delay, attacked and took the strong camp of the Samnites under the walls of Nola.‡ This action was thought so glorious, that Sylla got the story of it painted afterwards in one of the rooms of his Tusculan villa.‖ Thus Cicero was not less diligent in the army, than he was in the Forum, to observe every thing that

* Plutar. in Marius.

† Plut. in Sylla. In Campano autem agro Stabiæ oppidum fuere usque ad Cn. Pompeium et L. Carbonem Coss. prid. Kal. Maij. quo die L. Sylla legatus bello sociali id delevit, quod nunc in villas abiit. Intercidit ibi et Taurania. Plin. Hist. N. 3. 5.

‡ In Syllæ scriptum historia videmus, quod te inspectante factum est, ut quum ille in agro Nolano immolaret ante prætorium, ab infima ara subito anguis emergeret, quum quidem C. Postumius haruspex orabat illum, &c. De Divin. 1. 33. 2. 20.

‖ Plin. Hist. N. 22. 6.

passed; and contrived always to be near the person of the general, that no action of moment might escape his notice.

Upon the breaking out of this war, the Romans gave the freedom of the city to all the towns which continued firm to them; and at the end of it, after the destruction of three hundred thousand lives, thought fit, for the sake of their future quiet, to grant it to all the rest: but this step, which they considered as the foundation of a perpetual peace, was, as an ingenious writer has observed, one of the causes that hastened their ruin: for the enormous bulk to which the city was swelled by it, gave birth to many new disorders, that gradually corrupted, and at last destroyed it; and the discipline of the laws, calculated for a people whom the same walls would contain, was too weak to keep in order the vast body of Italy; so that, from this time chiefly, all affairs were decided by faction and violence, and the influence of the great; who could bring whole towns into the Forum, from the remote parts of Italy; or pour in a number of slaves and foreigners, under the form of citizens; for when the names and persons of real citizens could no longer be distinguished, it was not possible to know whether any act had passed regularly, by the genuine suffrage of the people.*

The Italic war was no sooner ended, than another broke out, which, though at a great distance from Rome, was one of the most difficult and desperate in which it ever was engaged; against Mithridates, King of Pontus, a martial and powerful prince, of a restless spirit and ambition, with a capacity equal to the greatest designs: who, disdaining to see all his hopes blasted by the overbearing power of Rome, and confined to the narrow boundary of his hereditary dominion, broke through his barrier at once, and overran the lesser Asia like a torrent, and in one day caused eighty thousand Roman citizens to be massacred in cold blood.† His forces were an-

* De la grandeur des Romains, &c. c. 9. † Pro leg. Manil. 2.

swerable to the vastness of his attempt, and the inexpiable war, that he had now declared against the Republic: he had a fleet of above four hundred ships; with an army of two hundred and fifty thousand foot, and fifty thousand horse; all completely armed, and provided with military stores, fit for the use of so great a body.*

Sylla, who had now obtained the consulship, as the reward of his late services, had the province of Asia allotted to him, with the command of the war against Mithridates;† but old Marius, envious of his growing fame, and desirous to engross every commission, which offered either power or wealth, engaged Sulpicius, an eloquent and popular tribune, to get that allotment reversed, and the command transferred from Sylla to himself, by the suffrage of the people. This raised great tumults in the city between the opposite parties, in which the son of Q. Pompeius, the consul and the son-in-law of Sylla, was killed: Sylla happened to be absent, quelling the remains of the late commotions near Nola; but upon the news of these disorders, he hastened with his legions to Rome, and having entered it, after some resistance, drove Marius and his accomplices to the necessity of saving themselves by a precipitate flight. This was the beginning of the first civil war, properly so called, which Rome had ever seen; and what gave both the occasion and the example to all the rest that followed; the tribune Sulpicius was taken and slain; and Marius so warmly pursued, that he was forced to plunge himself into the marshes of Minturnum, up to the chin in water; in which condition he lay concealed for some time, till, being discovered and dragged out, he was preserved by the compassion of the inhabitants, who, after refreshing him from the cold and hunger which he had suffered in his flight, furnished him with a vessel, and all necessaries to transport himself into Afric.‡

* Appian. Bell. Mithridat. init. pag. 171. † Appian. Bell. Civ. l. 1. 383.

‡ Pro Plan. x. This account that Cicero gives more than once of Marius's escape, makes it probable, that the common story of the Gallic soldier, sent into the prison to kill him, was forged by some of the later writers, to make the relation more tragical and affecting.

Sylla in the meanwhile having quieted the city, and proscribed twelve of his chief adversaries, set forward upon his expedition against Mithridates: but he was no sooner gone, than the civil broils broke out afresh between the new consuls, Cinna and Octavius; which Cicero calls the Octavian war.* For Cinna, attempting to reverse all that Sylla had established, was driven out of the city by his colleague, with six of the tribunes, and deposed from the consulship: upon this he gathered an army, and recalled Marius, who, having joined his forces with him, entered Rome in a hostile manner, and, with the most horrible cruelty, put all Sylla's friends to the sword, without regard to age, dignity, or former services. Among the rest fell the consul Cn. Octavius; the two brothers, L. Cæsar and C. Cæsar; P. Crassus, and the orator M. Antonius; whose head, as Cicero says, was fixed upon that rostra, where he had so strenuously defended the Republic when consul, and preserved the heads of so many citizens; lamenting, as it were ominously, the misery of that fate which happened afterwards to himself, from the grandson of this very Antonius. Q. Catulus also, though he had been Marius's colleague in the consulship, and his victory over the Cimbri, was treated with the same cruelty; for when his friends were interceding for his life, Marius made them no other answer, but, He must die; he must die: so that he was obliged to kill himself.†

Cicero saw this memorable entry of his countryman Marius, who, in that advanced age, was so far from being broken, he says, by his late calamity, that he seemed to be more alert and vigorous than ever; when he heard him recounting to the people, in excuse for the cruelty of his return, the many miseries which he had lately suffered; when he was driven from that country which he had saved from destruction; when all his estate was seized and plundered by his enemies; when he saw his young son also the

* De Div. 1. 2. Philip. 14. 8.

† Cum necessariis Catuli deprecantibus non semel respondit, sed sæpe, moriatur. Tusc. Disp. 5. 19. De Orat. 3. 5.

partner of his distress; when he was almost drowned in the marshes, and owed his life to the mercy of the Minturnensians; when he was forced to fly into Afric in a small bark, and become a suppliant to those to whom he had given kingdoms; but that since he had recovered his dignity, and all the rest, that he had lost, it should be his care not to forfeit that virtue and courage, which he had never lost.* Marius and Cinna having thus got the Republic into their hands, declared themselves consuls: but Marius died unexpectedly, as soon almost as he was inaugurated into his new dignity, on the 13th of January, in the 70th year of his age; and, according to the most probable account, of a pleuritic fever.†

His birth was obscure, though some call it equestrian; and his education wholly in camps; where he learnt the first rudiments of war, under the greatest master of that age, the younger Scipio, who destroyed Carthage: till, by long service, distinguished valour, and a peculiar hardiness and patience of discipline, he advanced himself gradually through all the steps of military honour, with the reputation of a brave and complete soldier. The obscurity of his extraction, which depressed him with the nobility, made him the greater favourite of the people; who, on all occasions of danger, thought him the only man fit to be trusted with their lives and fortunes; or to have the command of a difficult and desperate war: and, in truth, he twice delivered them from the most desperate, with which they had ever been threatened by a foreign enemy. Scipio, from the observation of his martial talents, while he had yet but an inferior command in the army, gave a kind of prophetic testimony of his future glory; for being asked by some of his officers, who were supping with him at Numantia, what general the Republic

* Post red. ad Quir. 8.

† Plutarch, in Mar. The celebrated orator L. Crassus died not long before of the same disease; which might probably be then, as I was told in Rome that it is now, the peculiar distemper of the place. The modern Romans call it *puntura*, which seems to carry the same notion that the old Romans expressed by *percussus frigore*; intimating the sudden stroke of cold upon a body unusually heated.

would have, in case of any accident to himself; "that man," replied he, pointing to Marius, "at the "bottom of the table." In the field he was cautious and provident; and while he was watching the most favourable opportunities of action, affected to take all his measures from augurs and diviners; nor ever gave battle, till, by pretended omens and Divine admonitions, he had inspired his soldiers with a confidence of victory; so that his enemies dreaded him, as something more than mortal; and both friends and foes believed him to act always by a peculiar impulse and direction from the gods. His merit, however, was wholly military, void of every accomplishment of learning, which he openly affected to despise; so that Arpinum had the singular felicity to produce the most glorious contemner, as well as the most illustrious improver of the arts and eloquence of Rome. He made no figure therefore in the gown, nor had any other way of sustaining his authority in the city, than by cherishing the natural jealousy between the senate and the people; that by his declared enmity to the one, he might always beat the head of the other; whose favour he managed, not with any view to the public good, for he had nothing in him of the statesman, or the patriot, but to the advancement of his private interest and glory. In short, he was crafty, cruel, covetous, perfidious; of a temper and talents greatly serviceable abroad, but turbulent and dangerous at home: an implacable enemy to the nobles; ever seeking occasions to mortify them, and ready to sacrifice the Republic, which he had saved, to his ambition and revenge. After a life spent in the perpetual toils of foreign or domestic wars, he died at last in his bed, in a good old age, and in his seventh consulship; an honour that no Roman before him ever attained; which is urged by Cotta, the academic, as one argument, amongst others, against the existence of a Providence.*

* Natus equestri loco. [Vell. Pat. 2. xi.] Se. P. Africani discipulumac militem,

The transactions of the Forum were greatly interrupted by these civil dissensions; in which some of the best orators were killed, others banished: Cicero, however, attended the harangues of the magistrates, who possessed the rostra in their turns; and being now about the age of twenty-one, drew up, probably, those rhetorical pieces, which were published by him, as he tells us, when very young, and are supposed to be the same that still remain on the subject of invention: but he condemned and retracted them afterwards in his advanced age, as unworthy of his maturer judgment, and the work only of a boy, attempting to digest into order the precepts which he had brought away from school.*

In the meanwhile, Philo, a philosopher of the first name in the academy, with many of the principal Athenians, fled to Rome from the fury of Mithridates, who had made himself master of Athens, and all the neighbouring parts of Greece: Cicero immediately became his scholar, and was exceedingly taken with his philosophy; and by the help of such a professor gave himself up to that study with the greater inclination, as there was cause to apprehend that the laws and judicial proceedings, which he had designed for the ground of his fame and fortunes, would be wholly overturned by the continuance of the public disorders.†

But Cinna's party having quelled all opposition at home, while Sylla was engaged abroad in the Mithridatic war, there was a cessation of arms within

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[pro Balb. 20. Val. Max. 8. 15.] Populus Rom. non alium repellendis tantis hostibus magis idoneum, quam Marium est ratus. [Vell. Pat. 2. 12.] Bis Italiam obsidione et metu liberavit servitutis. [in Cat. 4. x.] Omnes socii atque hostes credere, illi aut mentem divinam esse, aut Deorum nutu cuncta portendi. [Sallust. Bell. Jud. 92.] Conspicuæ felicitatis Arpinum, sive unicum litterarum gloriosissimum contemptorem, sive abundantissimum fontem intueri velis. [Val. Max. 2. 2.] Quantum bello optimus, tantum pace pessimus; immodicus gloriæ, insatiabilis, impotens, semperque inquietus. [Vell. Pat. 2. xi.] Cur omnium perfidiosissimus, C. Marius, Q. Catulum, præstantissima dignitate virum, mori potuit jubere?——cur tam feliciter, septimùm consul, domi suæ senex est mortuus? [De Nat. Deor. 3. 32.]

* Quæ pueris aut adolescentulis nobis, ex commentariolis nostris inchoata ac rudia exciderunt, vix hac ætate digna, et hoc usu, &c. De Orat. 1. 2. Quintil. l. 3. 6.

† Eodem tempore, cum Princeps Academiæ Philo, cum Atheniensium Optimatibus, Mithridatico bello domo profugisset, Romamque venisset; totum ei me tradidi, &c. Brut. 430.

the city for about three years, so that the course of public business began to flow again in its usual channel; and Molo, the Rhodian, one of the principal orators of that age, and the most celebrated teacher of eloquence, happening to come to Rome at the same time, Cicero presently took the benefit of his lectures, and resumed his oratorial studies with his former ardour.* But the greatest spur to his industry was the fame and splendour of Hortensius, who made the first figure at the bar, and whose praises fired him with such an ambition of acquiring the same glory, that he scarce allowed himself any rest from his studies either day or night: he had in his house with him Diodotus the stoic, as his preceptor in various parts of learning, but more particularly in logic; which Zeno, as he tells us, used to call a close and contracted eloquence; as he called eloquence an enlarged and dilated logic; comparing the one to the fist, or hand doubled; the other, to the palm opened.† Yet with all his attention to logic, he never suffered a day to pass, without some exercise in oratory; chiefly that of declaiming, which he generally performed with his fellow students, M. Piso and Q. Pompeius, two young noblemen, a little older than himself, with whom he had contracted an intimate friendship. They declaimed sometimes in Latin, but much oftener in Greek; because the Greek furnished a greater variety of elegant expressions, and an opportunity of imitating and introducing them into the Latin; and because the Greek masters, who were far the best, could not correct and improve them, unless they declaimed in that language.‡

In this interval Sylla was performing great exploits against Mithridates, whom he had driven out of Greece and Asia, and confined once more to his own territory; yet at Rome, where Cinna was master, he

* Eodem anno Moloni dedimus operam. Ibid.

† Zeno quidem ille, a quo disciplina Stoicorum est, manu demonstrare solebat, quid inter has artes interesset. Nam cum compresserat digitos, pugnumque fecerat; dialecticam aiebat ejusmodi esse: cum autem diduxerat, et manum dilataverat, palmæ illius similem eloquentiam esse dicebat. Orator. 259. edit. Lamb.

‡ Brut. p. 357. 433.

was declared a public enemy, and his estate confiscated: this insult upon his honour and fortunes made him very desirous to be at home again, in order to take his revenge upon his adversaries: so that, after all his success in the war, he was glad to put an end to it by an honourable peace; the chief article of which was, that Mithridates should defray the whole expense of it, and content himself for the future with his hereditary kingdom. On his return he brought away with him from Athens the famous library of Apellicon the Teian, in which were the works of Aristotle and Theophrastus, that were hardly known before in Italy, or to be found indeed entire any where else.* He wrote a letter at the same time to the senate, setting forth his great services, and the ingratitude with which he had been treated; and acquainting them, that he was coming to do justice to the Republic and to himself, upon the authors of those violences; this raised great terrors in the city; which, having lately felt the horrible effects of Marius's entry, expected to see the same tragedy acted over again by Sylla.

But while his enemies were busy in gathering forces to oppose him, Cinna, the chief of them, was killed in a mutiny of his own soldiers: upon this, Sylla hastened his march, to take the benefit of that disturbance, and landed at Brundusium with about thirty thousand men: hither many of the nobility presently resorted to him, and among them young Pompey, about twenty-three years old; who, without any public character or commission, brought along with him three legions, which he had raised by his own credit out of the veterans who had served under his father: he was kindly received by Sylla, to whom he did great service in the progress of the war, and was ever after much favoured and employed by him.†

Sylla now carried all before him: he defeated one of the consuls, Norbanus, and by the pretence of a

* Plut. Life of Syll. † Appian. Bell. civ. l. 1. 397. 399.

treaty with the other consul, Scipio, found means to corrupt his army, and draw it over to himself:* he gave Scipio, however, his life, who went into a voluntary exile at Marseilles.† The new consuls chosen in the mean time at Rome, were Cn. Papirius Carbo and young Marius; the first of whom, after several defeats, was driven out of Italy, and the second besieged in Prænestę; where, being reduced to extremity, and despairing of relief, he wrote to Damasippus, then prætor of the city, to call a meeting of the senators, as if upon business of importance, and put the principal of them to the sword: in this massacre many of the nobles perished, and old Scævola, the high-priest, the pattern of ancient temperance and prudence, as Cicero calls him, was slain before the altar of Vesta:‡ after which sacrifice of noble blood to the manes of his father, young Marius put an end to his own life.

Pompey at the same time pursued Carbo into Sicily, and having taken him at Lilybeum, sent his head to Sylla, though he begged his life in an abject manner at his feet: this drew some reproach upon Pompey, for killing a man, to whom he had been highly obliged on an occasion where his father's honour and his own fortunes were attacked. But this is the constant effect of factions in states, to make men prefer the interests of a party, to all the considerations, either of private or public duty; and it is not strange that Pompey, young and ambitious, should pay more regard to the power of Sylla, than to a scruple of honour or gratitude.‖ Cicero, however, says of this Carbo, that there never was a worse citizen, or more wicked man:§ which will go a great way towards excusing Pompey's act.

* Sylla cum Scipione inter Cales et Teanum—leges inter se et conditiones contulerunt; non tenuit omnino colloquium illud fidem, a vi tamen et periculo abfuit. Philip. 12. xi.

† Pro Sextio, 3. ‡ De Nat. Deor. 3. 32.

‖ Sed nobis tacentibus Cn. Carbonis, a quo admodum adolescens de paternis bonis in foro dimicans protectus es, jussu tuo interempti mors animis hominum obversabitur, non sine aliqua reprehensione: quia tam ingrato facto, plus L. Syllæ viribus, quam propriæ indulsisti verecundiæ. Val. Max. 5. 3.

§ Hoc Vero, qui Lilybei a Pompeio nostro est interfectus, improbior nemo, meo judicio, fuit. Epist. fam. 9. 21.

Sylla, having subdued all who were in arms against him, was now at leisure to take his full revenge on their friends and adherents; in which, by the detestable method of a proscription, of which he was the first author and inventor, he exercised a more infamous cruelty, than had ever been practised in cold blood in that, or perhaps in any other city.* The proscription was not confined to Rome, but carried through all the towns of Italy; where, besides the crime of party, which was pardoned to none, it was fatal to be possessed of money, lands, or a pleasant seat; all manner of licence being indulged to an insolent army, of carving for themselves what fortunes they pleased.†

In this general destruction of the Marian faction, J. Cæsar, then about seventeen years old, had much difficulty to escape with life: he was nearly allied to old Marius, and had married Cinna's daughter; whom he could not be induced to put away, by all the threats of Sylla; who, considering him for that reason as irreconcileable to his interests, deprived him of his wife's fortune and the priesthood, which he had obtained. Cæsar, therefore, apprehending still somewhat worse, thought it prudent to retire and conceal himself in the country, where, being discovered accidentally by Sylla's soldiers, he was forced to redeem his head by a very large sum: but the intercession of the vestal virgins, and the authority of his powerful relations, extorted a grant of his life very unwillingly from Sylla; who bade them take notice, that he, for whose safety they were so solicitous, would one day be the ruin of that aristocracy, which he was then establishing with so much

* Primus ille, et utinam ultimus, exemplum proscriptionis invenit, &c. Vell. Pat. 2. 28. N. B. The manner of proscribing was, to write down the names of those who were doomed to die, and expose them on tables fixed up in the public places of the city, with the promise of a certain reward for the head of each person so proscribed. So that though Marius and Cinna massacred their enemies with the same cruelty in cold blood, yet they did not do it in the way of proscription, nor with the offer of a reward to the murderers.

† Namque uti quisque domum aut villam, postremo aut vas aut vestimentum alicujus concupiverat, dabat operam, ut is in proscriptorum numero esset.——Neque prius finis jugulandi fuit, quam Sylla omnes suos divitiis explevit. Sallust. c. 51. Plut. Sylla.

pains, for that he saw many Mariuses in one Cæsar.* The event confirmed Sylla's prediction; for, by the experience of these times, young Cæsar was instructed both how to form and to execute that scheme, which was the grand purpose of his whole life, of oppressing the liberty of his country.

As soon as the proscriptions were over, and the scene grown a little calm, L. Flaccus, being chosen interrex, declared Sylla dictator for settling the state of the Republic, without any limitation of time, and ratified whatever he had done, or should do, by a special law, that empowered him to put any citizen to death without hearing or trial.† This office of dictator, which in early times had oft been of singular service to the Republic in cases of difficulty and distress, was now grown odious and suspected, in the present state of its wealth and power, as dangerous to the public liberty, and for that reason had been wholly disused and laid aside for one hundred and twenty years past:‡ so that Flaccus's law was the pure effect of force and terror; and though pretended to be made by the people, was utterly detested by them. Sylla, however, being invested by it with absolute authority, made many useful regulations for the better order of the government; and by the plenitude of his power changed in great measure the whole constitution of it, from a democratical to an aristocratical form, by advancing the prerogative of the senate, and depressing that of the people. He took from the Equestrian order the judgment of all causes, which they had enjoyed from the time of the Gracchi, and restored it to the senate; deprived the people of the right of choosing the priests, and replaced it in the colleges of priests: but, above all,

* Scirent eum, quèm incolumem tanto opere cuperent, quandoque optimatium partibus, quas secum simul defendissent, exitio futurum: nam Cæsari multos Marios inesse. [Sueton. J. Cæs. c. 1. Plut. in Cæs.]—Cinnæ gener, cujus filiam ut repudiaret, nullo modo compelli potuit. Vell. Pat. 2. 42.

† De Leg. Agrar. con. Rull. 3. 2.

‡ Cujus honoris usurpatio per annos cxx intermissa——ut appareat populum Romanum usum Dictatoris non tam desiderasse, quam timuisse potestatem imperii, quo priores ad vindicandam maximis periculis Rempub. usi fuerant. Vell. Pat. 2. 28.

he abridged the immoderate power of the tribunes, which had been the chief source of all the civil dissensions; for he made them incapable of any other magistracy after the tribunate; restrained the liberty of appealing to them; took from them their capital privilege, of proposing laws to the people; and left them nothing but their negative; or, as Cicero says, the power only of helping, not of hurting any one.* But, that he might not be suspected of aiming at a perpetual tyranny, and a total subversion of the Republic, he suffered the consuls to be chosen in the regular manner, and to govern, as usual, in all the ordinary affairs of the city: whilst he employed himself particularly in reforming the disorders of the state, by putting his new laws in execution; and in distributing the confiscated lands of the adverse party among his legions: so that the Republic seemed to be once more settled on a legal basis, and the laws and judicial proceedings began to flourish in the Forum. About the same time, Molo, the Rhodian, came again to Rome, to solicit the payment of what was due to his country, for their services in the Mithridatic war; which gave Cicero an opportunity of putting himself a second time under his direction, and perfecting his oratorial talents by the farther instructions of so renowned a master:† whose abilities and character were so highly reverenced, that he was the first of all foreigners who was ever allowed to speak to the senate in Greek without an interpreter.‡ Which shews in what vogue the Greek learning, and especially eloquence, flourished at this time in Rome.

Cicero had now run through all that course of discipline, which he lays down as necessary to form the complete orator: for, in his treatise on that subject, he gives us his own sentiments in the person of Crassus, on the institution requisite to that character; declaring, that no man ought to pretend to it, with-

*De leg. 3. 10. It. vid. Pigh. Annal. ad A. Urb. 672. †Brut. p. 434.

‡ Eum ante omnes exterarum gentium in Senatu sine interprete auditum constat. Val. Max. 2. 2

out being previously acquainted with every thing worth knowing in art or nature; that this is implied in the very name of an orator; whose profession it is to speak upon every subject which can be proposed to him: and whose eloquence, without the knowledge of what he speaks, would be the prattle only and impertinence of children.* He had learnt the rudiments of grammar and languages from the ablest teachers; gone through the studies of humanity and the politer letters with the poet Archias; been instructed in philosophy by the principal professors of each sect; Phædrus the Epicurean, Philo the academic, Diodotus the stoic; acquired a perfect knowledge of the law, from the greatest lawyers, as well as the greatest statesmen of Rome, the two Scævolas; all which accomplishments were but ministerial and subservient to that on which his hopes and ambition were singly placed, the reputation of an orator: to qualify himself, therefore, particularly for this, he attended the pleadings of all the speakers of his time; heard the daily lectures of the most eminent orators of Greece, and was perpetually composing somewhat at home, and declaiming under their correction: and, that he might neglect nothing which could help in any degree to improve and polish his style, he spent the intervals of his leisure in the company of the ladies; especially of those who were remarkable for a politeness of language, and whose fathers had been distinguished by a fame and reputation of their eloquence. While he studied the law, therefore, under Scævola the augur, he frequently conversed with his wife Lælia, whose discourse, he says, was tinctured with all the elegance of her father, Lælius, the politest speaker of his age:† he was acquainted likewise with her daughter Mucia, who married the great orator L. Crassus; and with her grand-

* Ac mea quidem sententia, nemo poterit esse omni laude cumulatus orator, nisi erit omnium rerum magnarum, atque artium scientiam consecutus. De Orat. l. 6. 2. 2.

† Legimus epistolas Corneliæ, matris Gracchorum—auditus est nobis Lælia, Caii filia, sæpe sermo: ergo illam patris elegantia tinctam vidimus; et filias ejus Mucias ambas, quarum sermo mihi fuit notus, &c. Brut. 319.

daughters, the two Liciniæ; one of them, the wife of L. Scipio; the other of young Marius; who all excelled in that delicacy of the Latin tongue, which was peculiar to their families, and valued themselves on preserving and propagating it to their posterity.

Thus adorned and accomplished, he offered himself to the bar about the age of twenty-six; not as others generally did, raw and ignorant of their business, and wanting to be formed to it by use and experience,* but finished, and qualified at once to sustain any cause, which should be committed to him. It has been controverted both by the ancients and moderns, what was the first cause in which he was engaged; some give it for that of P. Quinctius; others for S. Roscius: but neither of them are in the right; for in his oration for Quinctius he expressly declares, that he had pleaded other causes before it; and in that for Roscius, says only, that it was the first public or criminal cause, in which he was concerned: and it is reasonable to imagine, that he had tried his strength, and acquired some credit in private causes, before he would venture upon a public one of that importance; agreeably to the advice which Quintilian gives to his young pleaders,† whose rules are generally drawn from the practice and example of Cicero.

The cause of P. Quinctius was to defend him from an action of bankruptcy, brought against him by a creditor, who, on pretence of his having forfeited his recognizance, and withdrawn himself from justice, had obtained a decree to seize his estate, and expose it to sale. The creditor was one of the public criers, who attended the magistrates, and, by his interest among them, was likely to oppress Quinctius, and had already gained an advantage against him by the authority of Hortensius, who was his advocate. Cicero entered into the cause, at the earnest desire of the famed comedian, Roscius, whose sister was Quinctius's wife:‡ he endeavoured at first to excuse

* Ib. 433. † Quintil. 12. 6. ‡ Pro Quinct. 24.

himself; alleging that he should not be able to speak a word against Hortensius, any more than the other players could act with any spirit before Roscius; but Roscius would take no excuse, having formed such a judgment of him, as to think no man so capable of supporting a desperate cause, against a crafty and powerful adversary.

After he had given a specimen of himself to the city, in this, and several other private causes, he undertook the celebrated defence of S. Roscius of Ameria, in his 27th year; the same age, as the learned have observed, in which Demosthenes first began to distinguish himself in Athens; as if in these geniuses of the first magnitude, that was the proper season of blooming towards maturity. The case of Roscius was this:—his father was killed in the late proscription of Sylla; and his estate, worth about 60,000*l.* sterling, was sold among the confiscated estates of the proscribed, for a trifling sum, to L. Cornelius Chrysogonus, a young favourite slave, whom Sylla had made free; who, to secure his possession of it, accused the son of the murder of his father, and had provided evidence to convict him; so that the young man was like to be deprived, not only of his fortunes, but, by a more villanous cruelty, of his honour also and his life. All the old advocates refused to defend him, fearing the power of the prosecutor, and the resentment of Sylla;* since Roscius's defence would necessarily lead them into many complaints on the times, and the oppressions of the great: but Cicero readily undertook it, as a glorious opportunity of enlisting himself into the service of his country, and giving a public testimony of his principles and zeal for that liberty, to which he had devoted the labours of his life. Roscius was acquitted, to the great honour of Cicero; whose courage and address in defending him was applauded by the

* Ita loqui homines;—huic patronos propter Chrysogoni gratiam defuturos,—ipso nomine parricidii et atrocitate criminis fore, ut hic nullo negotio tolleretur, cum a nullo defensus sit.—Patronos huic defuturos putaverunt; desunt. Qui libere dicat, qui cum fide defendat, non deest profecto, Judices.—Pro Roscio Amer. 10, 11.

whole city; so that, from this moment, he was looked upon as an advocate of the first class, and equal to the greatest causes.*

Having occasion, in the course of his pleading, to mention that remarkable punishment which their ancestors had contrived for the murder of a parent, of sewing the criminal alive in a sack, and throwing him into the river, he says, "that the meaning of "it was, to strike him at once, as it were, out of the "system of nature, by taking from him the air, the "sun, the water, and the earth; that he, who had "destroyed the author of his being, should lose the "benefit of those elements, whence all things derive "their being. They would not throw him to the "beasts, lest the contagion of such wickedness "should make the beasts themselves more furious: "they would not commit him naked to the stream, "lest he should pollute the very sea, which was the "purifier of all other pollutions: they left him no "share of any thing natural, how vile or common "soever: for what is so common as breath to the liv-"ing, earth to the dead, the sea to those who float, "the shore to those who are cast up? Yet these "wretches live so, as long as they can, as not to "draw breath from the air; die so, as not to touch "the ground; are so tossed by the waves, as not to "be washed by them; so cast out upon the shore, as "to find no rest even on the rocks."† This passage was received with acclamations of applause; yet, speaking of it afterwards himself, he calls it, "the "redundancy of a juvenile fancy, which wanted the "correction of his sounder judgment; and, like all "the compositions of young men, was not applaud-"ed so much for its own sake, as for the hopes it gave "of his more improved and ripened talents."‡

The popularity of his cause, and the favour of the audience gave him such spirits, that he exposed the insolence and villany of the favourite Chrysogonus

* Prima causa publica, pro S. Roscio dicta, tantum commendationis habuit, ut non ulla esset, quæ non nostro digna patrocinio videretur. Deinceps inde multæ. Brut. 434.

† Pro Rosc. 26. ‡ Orat. 258. ed. Lamb.

with great gaiety; and ventured even to mingle several bold strokes at Sylla himself; which he took care however to palliate, by observing, "that through "the multiplicity of Sylla's affairs, who reigned as "absolute on earth, as Jupiter did in heaven, it was "not possible for him to know, and necessary even "to connive at many things, which his favourites did "against his will.* He would not complain," he says, "in times like those, that an innocent man's "estate was exposed to public sale; for were it al-"lowed to him to speak freely on that head, Roscius "was not a person of such consequence, that he "should make a particular complaint on his ac-"count; but he must insist upon it, that by the law "of the proscription itself, whether it was Flaccus's, "the interrex, or Sylla's, the dictator, for he knew "not which to call it, Roscius's estate was not for-"feited, nor liable to be sold."† In the conclusion, he puts the judges in mind, "that nothing was so "much aimed at by the prosecutors in this trial, as, "by the condemnation of Roscius, to gain a prece-"dent for destroying the children of the proscribed: "he conjures them, therefore, by all the gods, not "to be the authors of reviving a second proscription, "more barbarous and cruel than the first: that the "senate refused to bear any part in the first, lest it "should be thought to be authorized by the public "council; that it was their business by this sentence "to put a stop to that spirit of cruelty, which then "possessed the city, so pernicious to the Republic, "and so contrary to the temper and character of "their ancestors."——

As by this defence he acquired a great reputation in his youth, so he reflects upon it with pleasure in old age, and recommends it to his son, as the surest way to true glory and authority in his country; to defend the innocent in distress, especially when they happen to be oppressed by the power of the great; as I have often done, says he, in other causes, but

* Pro Rosc. 45. † Ibid. 43.

particularly in that of Roscius, against Sylla himself, in the height of his power.* A noble lesson to all advocates, to apply their talents to the protection of innocence and injured virtue; and to make justice, not profit, the rule and end of their labours.

Plutarch says, "that presently after this trial, "Cicero took occasion to travel abroad, on pretence "of his health, but in reality to avoid the effects of "Sylla's displeasure:" but there seems to be no ground for this notion: for Sylla's revenge was now satiated, and his mind wholly bent on restoring the public tranquillity; and, it is evident, that Cicero continued a year after this in Rome without any apprehension of danger, engaged, as before, in the same task of pleading causes;† and in one especially, more obnoxious to Sylla's resentment, even than that of Roscius: for in the case of a woman of Arretium, he defended the right of certain towns of Italy to the freedom of Rome, though Sylla himself had deprived them of it by an express law; maintaining it to be one of those natural rights, which no law or power on earth could take from them: in which also he carried his point, in opposition to Cotta, an orator of the first character and abilities, who pleaded against him.‡

But we have a clear account from himself of the real motive of his journey: "My body," says he, "at this time was exceedingly weak and emaciat-"ed; my neck long and small; which is a habit "thought liable to great risk of life, if engaged in "any fatigue or labour of the lungs; and it gave the "greater alarm to those, who had a regard for me, "that I used to speak without any remission or "variation, with the utmost stretch of my voice, and

* Ut nos et sæpe alias et adolescentes, contra L. Sullæ dominantis opes pro S. Roscio Amerino fecimus; quæ, ut scis, extat Oratio. De Offic. 2. 14.

† Prima causa publica pro S. Roscio dicta—deinceps inde multo—itaque cum essem biennium versatus in causis. Brut. p. 434. 437.

‡ Populus Romanus, L. Sulla Dictatore ferente, comitiis centuriatis, municipiis civitatem ademit: ademit iisdem agros: de agris ratum est: fuit enim populi potestas: de civitate ne tamdiu quidem valuit, quamdiu illa Sullani temporis arma valuerunt. Atque ego hanc adolescentulus causam cum agerem, contra hominem disertissimum contradicente Cotta, et Sulla vivo, judicatum est. Pro dom. ad Pontif. 33. pro Cæcina.

"great agitation of my body: when my friends "therefore and physicians advised me to meddle no "more with causes, I resolved to run any hazard, "rather than quit the hopes of glory, which I pro- "posed to myself from pleading: but when I con- "sidered, that by managing my voice, and changing "my way of speaking, I might both avoid all dan- "ger, and speak with more ease, I took a resolution "of travelling into Asia, merely for an opportunity "of correcting my manner of speaking: so that, after "I had been two years at the bar, and acquired a "reputation in the Forum, I left Rome,"* &c.

He was twenty-eight years old when he set forward upon his travels to Greece and Asia; the fashionable tour of all those, who travelled either for curiosity or improvement: his first visit was to Athens, the capital seat of arts and sciences; where, some writers tell us, that he spent three years,† though in truth it was but six months: he took up his quarters with Antiochus, the principal philosopher of the old academy; and, under this excellent master, renewed, he says, those studies which he had been fond of from his earliest youth. Here he met with his school-fellow, T. Pomponius, who, from his love to Athens, and his spending a great part of his days in it, obtained the surname of Atticus;‡ and here they revived and confirmed that memorable friendship, which subsisted between them through life, with so celebrated a constancy and affection. Atticus, being an Epicurean, was often drawing Cicero from his host Antiochus to the conversation of Phædrus and old Zeno, the chief professors of that sect, in hopes of making him a convert; on which subject they used to have many disputes between themselves; but Cicero's view in these visits was but to convince himself more effectually of the weakness of that doctrine, by observing how easily it might be confuted, when explained even by the

* Brut. 437. † Eusebii Chron.

‡ Pomponius—ita enim se Athenis collocavit, ut sit pæne unus ex Atticis, et id etiam cognomine videatur habiturus. De Fin. 5. 2.

ablest teachers.* Yet he did not give himself up so entirely to philosophy, as to neglect his rhetorical exercises, which he performed still every day very diligently, with Demetrius, the Syrian, an experienced master of the art of speaking.†

It was in this first journey to Athens, that he was initiated most probably into the Eleusinian mysteries: for though we have no account of the time, yet we cannot fix it better than in a voyage undertaken both for the improvement of his mind and body. The reverence with which he always speaks of these mysteries, and the hints that he has dropped of their end and use, seem to confirm what a very learned and ingenious writer has delivered of them, that they were contrived to inculcate the unity of God, and the immortality of the soul.‡ As for the first, after observing to Atticus, who was one also of the initiated, how the gods of the popular religions were all but deceased mortals, advanced from earth to heaven, he bids him remember the doctrine of the mysteries, in order to recollect the universality of that truth: and, as to the second, he declares his initiation to be in fact, what the name itself implied, a real beginning of life to him; as it taught the way, not only of living with greater pleasure, but of dying also with a better hope.§

* De Fin. 1. 5. de Nat. Deor. 1. 21.

† Eodem tamen tempore apud Demetrium Syrum, veterem et non ignobilem dicendi magistrum, studiose exerceri solebam. Brut. 437.

‡ See Mr. Warburton's Divine Legation of Moses, Vol. I.

§ Ipsi, illi, majorum gentium Dii qui habentur, hinc a nobis in cœlum profecti reperientur—reminiscere, quoniam es initiatus, quæ traduntur mysteriis; tum denique quam hoc late pateat intelliges. Tusc. Quæst. 1. 13.

Initiaque, ut appellantur, ita revera principia vitæ cognovimus: neque solum cum lætitia vivendi rationem accepimus, sed etiam cum spe meliore moriendi. De Leg. 2. 14.

N. B. These mysteries were celebrated at stated seasons of the year, with solemn shows, and a great pomp of machinery, which drew a mighty concourse to them from all countries. L. Crassus, the great orator, happened to come two days after they were over, and would gladly have persuaded the magistrates to renew them, but not being able to prevail, left the city in disgust:* which shews how cautious they were of making them too cheap, when they refused the sight of them out of the proper season, to one of the first senators of Rome. The shows are supposed to have exhibited a representation of Heaven, Hell, Elysium, Purgatory, and all that related to the future state of the dead; being contrived to inculcate more sensibly, and exemplify the doctrines delivered to the initiated: and as they were a proper subject for poetry,

* Diutius essem moratus, nisi Atheniensibus, quod mysteria non referrent, ad quæ biduo serius veneram, succensuissem. De Orat. 3. 20.

From Athens he passed into Asia, where he gathered about him all the principal orators of the country, who kept him company through the rest of his voyage; and with whom he constantly exercised himself in every place, where he made any stay. "The chief of them," says he, "was Menippus of "Stratonica, the most eloquent of all the Asiatics; "and if to be neither tedious, nor impertinent, be "the characteristic of an Attic orator, he may justly "be ranked in that class: Dionysius also of Mag- "nesia, Æschylus of Cnidos, and Xenocles of Adra- "myttus, were continually with me, who were "reckoned the first rhetoricians of Asia: nor yet "content with these, I went to Rhodes, and applied "myself again to Molo, whom I had heard before "at Rome; who was both an experienced pleader, "and a fine writer, and particularly expert in ob- "serving the faults of his scholars, as well as in his "method of teaching and improving them: his great- "est trouble with me was to restrain the exuberance "of a juvenile imagination, always ready to overflow "its banks, within its due and proper channel."§

But as at Athens, where he employed himself chiefly in philosophy, he did not intermit his oratorial studies, so at Rhodes, where his chief study was oratory, he gave some share also of his time to philosophy with Posidonius, the most esteemed and learned stoic of that age; whom he often speaks of with honour, not only as his master, but as his friend.‖

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so they are frequently alluded to by the ancient poets. Cicero, in one of his letters to Atticus, begs of him, at the request of Chilius, an eminent poet of that age, to send them a relation of the Eleusinian rites, which were designed probably for an episode or embellishment to some of Chilius's works.* This confirms also the probability of that ingenious comment, which the same excellent writer has given on the sixth book of the Æneid, where Virgil, as he observes, in describing the descent into hell, is but tracing out, in their genuine order, the several scenes of the Eleusinian shows.†

§ Brut. 437.

* Chilius te rogat, et ego ejus rogatu Ἐυμολπιδῶν πάτρια. Ad Att. 1. 5.

† See Div. Legat. of Moses, p. 182.

‖ He mentions a story of this Posidonius, which Pompey often used to tell; that after the Mithridatic war, as he was returning from Syria towards Rome, he called at Rhodes, on purpose to hear him; but being informed, on his arrival there, that he was extremely ill of the gout, he had a mind however to see him; and in his visit when, after the first compliments, he began to express his concern for finding him so

It was his constant care, that the progress of his knowledge should keep pace with the improvement of his eloquence; he considered the one as the foundation of the other, and thought it in vain to acquire ornaments, before he had provided necessary furniture; he declaimed here in Greek, because Molo did not understand Latin; and, upon ending his declamation, while the rest of the company were lavish of their praises, Molo, instead of paying any compliment, sat silent a considerable time, till observing Cicero somewhat disturbed at it, he said, "As for you, Cicero, I praise and admire you, but "pity the fortune of Greece, to see arts and elo- "quence, the only ornaments which were left to her, "transplanted by you to Rome."* Having thus finished the circuit of his travels, he came back again to Italy, after an excursion of two years, extremely improved, and changed as it were into a new man: the vehemence of his voice and action was moderated; the redundancy of his style and fancy corrected; his lungs strengthened; and his whole constitution confirmed.†

This voyage of Cicero seems to be the only scheme and pattern of travelling from which any real benefit is to be expected; he did not stir abroad, till he had completed his education at home; for nothing can be more pernicious to a nation, than the necessity of a foreign one; and after he had acquired in his own country whatever was proper to form a worthy citizen and magistrate of Rome, he went, confirmed by a

ill, that he could not have the pleasure to hear him, "But you can hear me," replied Posidonius, "nor shall it be said, that, on the account of any bodily pain, I "suffered so great a man to come to me in vain." Upon which he entered presently into an argument, as he lay upon his bed, and maintained, with great eloquence, that nothing was really good, but what was honest: and being all the while in exquisite torture, he often cried out, "O pain, thou shalt never gain thy point; for be as vex- "atious as thou wilt, I will never own thee to be an evil." This was the perfection of stoical heroism, to defy sense and nature to the last: while another poor stoic, Dionysius, a scholar of Zeno, the founder of the sect, when, by the torture of the stone, he was forced to confess, that what his master had taught him was false, and that he felt pain to be an evil, is treated by all their writers as a poltroon and base deserter. Which shews that all their boasted firmness was owing rather to a false notion of honour and reputation, than to any real principle or conviction of reason. Nat. Deor. 2. 24. de Fin. 5. 31.

* Plut. Life of Cic. † Brut. 488.

maturity of age and reason against the impressions of vice, not so much to learn, as to polish what he had learnt, by visiting those places where arts and sciences flourished in their greatest perfection. In a tour the most delightful of the world, he saw every thing that could entertain a curious traveller, yet staid no where any longer than his benefit, not his pleasure, detained him. By his previous knowledge of the laws of Rome, he was able to compare them with those of other cities, and to bring back with him whatever he found useful, either to his country or to himself. He was lodged, wherever he came, in the houses of the great and the eminent; not so much for their birth and wealth, as for their virtue, knowledge, and learning; men honoured and reverenced in their several cities, as the principal patriots, orators, and philosophers of the age: these he made the constant companions of his travels; that he might not lose the opportunity, even on the road, of profiting by their advice and experience: and, from such a voyage, it is no wonder, that he brought back every accomplishment, which could improve and adorn a man of sense.

Pompey returned about this time victorious from Afric; where he had greatly enlarged the bounds of the empire, by the conquest and addition of many new countries to the Roman dominion. He was received with great marks of respect by the dictator, Sylla, who went out to meet him at the head of the nobility, and saluted him by the title of Magnus, or the Great; which, from that authority, was ever after given to him by all people. But his demand of a triumph disgusted both Sylla and the senate; who thought it too ambitious in one, who had passed through none of the public offices, nor was of age to be a senator, to aspire to an honour, which had never been granted, except to consuls or prætors: but Pompey, insisting on his demand, extorted Sylla's consent, and was the first whose triumphal car is said to have been drawn by elephants, and the only

one of the equestrian order who had ever triumphed: which gave an unusual joy to the people, to see a man of their own body obtain so signal an honour; and, much more, to see him descend again from it to his old rank and private condition among the knights.*

While Pompey, by his exploits in war, had acquired the surname of the Great, J. Cæsar, about six years younger, was giving proofs likewise of his military genius, and serving as a volunteer at the siege of Mitylene; a splendid and flourishing city of Lesbos, which had assisted Mithridates in the late war, and perfidiously delivered up to him M. Aquilius, a person of consular dignity, who had been sent ambassador to that king, and, after the defeat of the Roman army, had taken refuge in Mitylene, as in a place of the greatest security. Mithridates is said to have treated him with the last indignity; carrying him about in triumph, mounted upon an ass, and forcing him to proclaim every where aloud, that he was Aquilius, who had been the chief cause of the war. But the town now paid dear for that treachery, being taken by storm, and almost demolished, by Q. Thermus: though Pompey restored it afterwards to its former beauty and liberty, at the request of his favourite freedman, Theophanes. In this siege Cæsar obtained the honour of a civic crown; which, though made only of oaken leaves, was esteemed the most reputable badge of martial virtue; and never bestowed, but for saving the life of a citizen, and killing, at the same time, an enemy.†

Sylla died while Cicero was at Athens, after he

* Bellum in Africa maximum confecit, victorem exercitum deportavit. Quid vero tam inauditum, quam Equitem Rom. triumphare? Pro. leg. Man. 21. Africa vero tota subacta—magnique nomine, spolio inde capto, Eques Romanus, id quod antea nemo, curru triumphali invectus est. [Plin. Hist. Nat. 7. 26.] Romæ primum juncti elephantes subière currum Pompeii Magni Africano triumpho. Ib. 8. 2. Plut. in Pomp.

† Quid Mitylenæ? quæ certe vestræ, Quirites, belli lege, et victoriæ jure factæ sunt: Urbs et natura et situ, et descriptione ædificiorum et pulchritudine imprimis nobilis. [De leg. Agrar. 2. 16.] A Thermo in expugnatione Mitylenarum corona civica donatus est. [Sueton. J. Cæs. 2.] Hinc civicæ coronæ, militum virtutis insigne clarissimum. Plin. Hist. Nat. 16. 4. Vell. Pat. 2. 18. Vid. Appian. Bell. Mithrid. p. 184. Val. Max. 9. 13.

had laid down his dictatorship, and restored liberty to the Republic, and, with an uncommon greatness of mind, lived many months as a private senator, and with perfect security, in that city where he had exercised the most bloody tyranny: but nothing was thought to be greater in his character, than that, during the three years, in which the Marians were masters of Italy, he neither dissembled his resolution of pursuing them by arms, nor neglected the war which he had upon his hands; but thought it his duty first to chastise a foreign enemy, before he took his revenge upon citizens.* His family was noble and patrician, which yet, through the indolency of his ancestors, had made no figure in the Republic for many generations, and was almost sunk into obscurity, till he produced it again into light, by aspiring to the honours of the state. He was a lover and patron of polite letters, having been carefully instituted himself in all the learning of Greece and Rome; but, from a peculiar gaiety of temper, and fondness for the company of mimics and players, was drawn, when young, into a life of luxury and pleasure; so that, when he was sent quæstor to Marius in the Jugurthine war, Marius complained, that in so rough and desperate a service, chance had given him so soft and delicate a quæstor. But whether roused by the example, or stung by the reproach of his general, he behaved himself in that charge with the greatest vigour and courage, suffering no man to out-do him in any part of military duty or labour, making himself equal and familiar even to the lowest of the soldiers, and obliging them all by his good offices and his money; so that he soon acquired the favour of the army, with the character of a brave and skilful commander; and lived to drive Marius himself, banished and proscribed, into that very province, where he had been contemned by him

* Vix quidquam in Syllæ operibus clarius duxerim, quam quod, cum per triennium Cinnanæ Marianæque partes Italiam obsiderent, neque illaturum se bellum eis dissimulavit, nec quod erat in manibus omisit; existimavitque ante frangendum hostem, quam ulciscendum civem. Vell. Pat. 2. 24.

at first as his quæstor.* He had a wonderful faculty of concealing his passions and purposes, and was so different from himself in different circumstances, that he seemed as it were to be two men in one: no man was ever more mild and moderate before victory; none more bloody and cruel after it.† In war he practised the same art, that he had seen so successful to Marius, of raising a kind of enthusiasm and contempt of danger in his army, by the forgery of auspices and Divine admonitions: for which end he carried always about with him a little statue of Apollo taken from the temple of Delphi; and whenever he had resolved to give battle, used to embrace it in sight of the soldiers, and beg the speedy confirmation of its promises to him.‡ From an uninterrupted course of success and prosperity, he assumed a surname, unknown before to the Romans, of Felix, or the Fortunate; and would have been fortunate indeed, says Velleius, if his life had ended with his victories.§—Pliny calls it a wicked title, drawn from the blood and oppression of his country; for which posterity would think him more unfortunate, even than those whom he had put to death.‖ He had one felicity, however, peculiar to himself, of being the only man in history, in whom the odium of the most barbarous cruelties was extinguished by the glory of his great acts. Cicero, though he had a good opi-

* Gentis Patriciæ nobilis fuit; familia prope jam exstincta majorum ignavia: litteris Græcis atque Latinis juxta atque doctissime eruditus.—[Sallust. Bell. Jugurth. 95.] Usque ad Quæsturæ suæ comitia, vitam libidine, vino, ludicræ artis amore inquinatam perduxit. Quapropter C. Marium consulem moleste tulisse traditur, quod sibi, asperrimum in Africa bellum gerenti, tam delicatus Quæstor sorte obvenisset, &c. [Val. Max. 6, 9.] Sallust. ib.

† Ad simulanda negotia altitudo ingenii incredibilis—[Sallust. ib.] quæ tam diversa, tamque inter se contraria, si quis apud animum suum expendere velit, duos in uno homine Syllas fuisse crediderit [Val. Max. 6. 9.] Adeo enim Sylla fuit dissimilis bellator ac victor, ut dum vincit justissimo lenior; post victoriam audito fuerit crudelior —ut in eodem homine duplicis ac diversissimi animi conspiceretur exemplum. Vell. Pat. 2, 25.

‡ Quoties prælium committere destinabat, parvum Apollinis signum Delphis sublatum, in conspectu militum complexus, orabat, uti promissa maturaret. Val. Max. 1. 2. de Div. 1. 33.

§ Quod quidem usurpasset justissime, si eundem et vincendi et vivendi finem habuisset. Vell. Pat. 2. 27.

‖ Unus hominum ad hoc ævi Felicis sibi cognomen asseruit—civili nempe sanguine, ac patriæ oppugnatione adoptatus, &c. Plin. Hist. Nat. 7. 43.

nion of his cause, yet detested the inhumanity of his victory, and never speaks of him with respect, nor of his government but as a proper tyranny; calling him a master of three most pestilent vices, luxury, avarice, cruelty.* He was the first of his family, whose dead body was burnt: for having ordered Marius's remains to be taken out of his grave, and thrown into the river Anio, he was apprehensive of the same insult upon his own, if left to the usual way of burial.† A little before his death he made his own epitaph, the sum of which was, "that no man "had ever gone beyond him in doing good to his "friends, or hurt to his enemies."‡

As soon as Sylla was dead, the old dissensions, that had been smothered awhile by the terror of his power, burst out again into a flame between the two factions, supported severally by the two consuls, Q. Catulus and M. Lepidus, who were wholly opposite to each other in party and politics.—Lepidus resolved, at all adventures, to rescind the acts of Sylla, and recal the exiled Marians; and began openly to solicit the people to support him in that resolution: but his attempt, though plausible, was factious and unseasonable, tending to overturn the present settlement of the Republic, which, after its late wounds and loss of civil blood, wanted nothing so much as rest and quiet, to recover a tolerable degree of strength. Catulus's father, the ablest statesman of his time, and the chief assertor of the aristocratical interest, had been condemned to die by

* Qui trium pestiferorum vitiorum, luxuriæ, avaritiæ, crudelitatis magister fuit. De Fin. 3. 22. de Offic. 2. 8.

† Quod haud scio an timens suo corpori, primus e Patriciis Corneliis igne voluit cremari. De Leg. 2. 22. Val. Max. 9. 2.

‡ Plut. in Sylla.

The following votive inscription was found in Italy, in the year 1723, near Cicero's Arpinum, between Atina and Sora, which had been dedicated probably by Sylla, about the time of his assuming the surname of Felix, soon after his first success, and defeat of the chiefs, who were in arms against him at home.

IOVI
QVOD PERICVLVM
FELICITER EVASERIT
L. SVLLA
V. S. LA.

Marius: the son, therefore, who inherited his virtues, as well as principles, and was confirmed in them by a resentment of that injury, vigorously opposed and effectually disappointed all the designs of his colleague; who, finding himself unable to gain his end without recurring to arms, retired to his government of Gaul, with intent to raise a force sufficient to subdue all opposition: where the fame of his levies and military preparations gave such umbrage to the senate, that they soon abrogated his command. Upon this he came forward into Italy at the head of a great army, and having possessed himself of Etruria without opposition, marched in an hostile manner towards the city, to the demand of a second consulship. He had with him several of the chief magistrates, and the good wishes of all the tribunes, and, hoped, by the authority of the Marian cause, which was always favoured by the populace, to advance himself into Sylla's place, and usurp the sovereign power of Rome. Catulus, in the mean time, upon the expiration of his office, was invested with proconsular authority, and charged with the defence of the government: and Pompey, also, by a decree of the senate, was joined with him in the same commission; who having united their forces before Lepidus could reach the city, came to an engagement with him near the Milvian bridge, within a mile or two from the walls, where they totally routed and dispersed his whole army. But the Cisalpine Gaul, being still in the possession of his lieutenant, M. Brutus, the father of him who afterwards killed Cæsar, Pompey marched forward to reduce that province: where Brutus, after sustaining a siege in Modena, surrendered himself into his hands; but being conducted, as he desired, by a guard of horse to a certain village upon the Po, he was there killed by Pompey's orders. This act was censured as cruel and unjust, and Pompey generally blamed for killing a man of the first quality, who had surrendered himself voluntarily, and on the condition of his life:

but he acted, probably, by the advice of Catulus, in laying old of the pretext of Brutus's treason, to destroy a man, who, from his rank and authority, might have been a dangerous head to the Marian party, and capable of disturbing that aristocracy, which Sylla had established, and which the senate, and all the better sort were very desirous to maintain. Lepidus escaped into Sardinia, where he died soon after of grief, to see his hopes and fortunes so miserably blasted: and thus ended the civil war of Lepidus, as the Roman writers call it, which, though but short-lived, was thought considerable enough by Sallust to be made the subject of a distinct history, of which several fragments are still remaining.*

As Cicero was returning from his travels towards Rome, full of hopes and aspiring thoughts, his ambition was checked, as Plutarch tells us, by the Delphic oracle: for, upon consulting Apollo, by what means he might arrive at the height of glory, he was answered, "by making his own genius, and "not the opinion of the people, the guide of his life;" upon which he carried himself after his return with great caution, and was very shy of pretending to public honours. But though the rule be very good, yet Cicero was certainly too wise, and had spent too much of his time with philosophers, to fetch it from an oracle, which, according to his own account, had been in the utmost contempt for many ages, and was considered by all men of sense as a mere imposture.† But if he really went to Delphi, of which we have not the least hint in any of his writings, we must impute it to the same motive that draws so many travellers at this day to the holy house of Loretto; the curiosity of seeing a place so celebrated through

* M. Lepido, Q. Catulo Coss. civile bellum pæne citius oppressum est, quam inciperet—fax illius motus ab ipso Syllæ rogo exarsit. Cupidus namque rerum novarum per insolentiam Lepidus, acta tanti viri rescindere parabat, nec immerito, si tamen posset sine magna clade Reipub. &c. Flor. 3. 27. Vid. Plut. in Pomp. Appian. l. 1. 416. Sallust. Fragment. Hist. l. 1. Val. Max. 6. 2. Pigh. Annal. A. U. 676.

† Pyrrhi temporibus jam Apollo versus facere desierat—cur isto modo jam oracula non eduntur, non modo nostra ætate, sed jam diu, ut modo nihil possit esse contemptius? Quomodo autem ista vis evanuit? an postquam homines minus creduli esse cœperunt: De Div. 2. 56, 57.

the world for its sanctity and riches. After his return, however, he was so far from observing that caution which Plutarch speaks of, that he freely and forwardly resumed his former employment of pleading; and after one year more spent at the bar, obtained in the next the dignity of quæstor.

Among the causes which he pleaded before his quæstorship was that of the famous comedian Roscius, whom a singular merit in his art had recommended to the familiarity and friendship of the greatest men in Rome.* The cause was this: one Fannius had made over to Roscius a young slave, to be formed by him to the stage, on condition of a partnership in the profits which the slave should acquire by acting: the slave was afterwards killed, and Roscius prosecuted the murderer for damages, and obtained, by a composition, a little farm worth about eight hundred pounds, for his particular share: Fannius also sued separately, and was supposed to have gained as much; but, pretending to have recovered nothing, sued Roscius for the moiety of what he had received. One cannot but observe, from Cicero's pleading, the wonderful esteem and reputation in which Roscius then flourished, of whom he draws a very amiable picture.——"Has Roscius, then," says he, "defrauded his partner? Can such a stain stick "upon such a man? who, I speak it with confi- "dence, has more integrity than skill, more veracity "than experience: whom the people of Rome know "to be a better man than he is an actor; and while he "makes the first figure on the stage for his art, is wor- "thy of the senate for his virtue."† In another place he says of him, "that he was such an artist, as to "seem the only one fit to come upon the stage; yet "such a man, as to seem the only one unfit to come "upon it at all:‡ and that his action was so perfect

* Nec vulgi tantum favorem, verum etiam principum familiaritates amplexus est. Val. Max. 8. 7.

† Quem pop. Rom. meliorem virum, quam histrionem esse arbitratur; qui ita dignissimus est scena, propter artificium, ut dignissimus sit curia, propter abstinentiam. Pro Q. Rosc. 6.

‡ Pro. Quinct. 25.

"and admirable, that when a man excelled in any "other profession, it was grown into a proverb to "call him a Roscius."* His daily pay for acting is said to have been about thirty pounds sterling.† Pliny computes his yearly profit at four thousand pounds;‡ but Cicero seems to rate it at five thousand. He was generous, benevolent, and a contemner of money; and after he had raised an ample fortune from the stage, gave his pains to the public for many years without any pay: whence Cicero urges it as incredible, that he, who in ten years past might honestly have gained fifty thousand pounds, which he refused, should be tempted to commit a fraud for the paltry sum of four hundred.§

At the time of Cicero's return from Greece, there reigned in the Forum two orators of noble birth and great authority, Cotta and Hortensius, whose glory inflamed him with an emulation of their virtues. Cotta's way of speaking was calm and easy, flowing with great elegance and propriety of diction: Hortensius's sprightly, elevated, and warming both by his words and action; who being the nearer to him in age, about eight years older, and excelling in his own taste and manner, was considered by him more particularly as his pattern, or competitor rather, in glory.‖ The business of pleading, though a profession of all others the most laborious, yet was not mercenary, or undertaken for any pay; for it was illegal to take money, or to accept even a present for it: but the richest, the greatest, and the noblest of Rome freely offered their talents to the service of their citizens, as the common guardians and protectors of the innocent and distressed.¶ This was a

* Ut in quo quisque artificio excelleret, is in suo genere Roscius diceretur. De Orat. 1. 28.

† Ut mercedem diurnam de publico mille denarios solus acceperit. Macrob. Saturn. 2. 10.

‡ HS. quingenta annua meritasse prodatur. Plin. Hist. Nat. 7. 39.

§ Decem his annis proximis HS. sexagies honestissime consequi potuit: noluit. Pro Rosc. 8.

‖ Duo tum excellebant oratores, qui me imitandi cupiditate incitarent, Cotta et Hortensius, &c. Brut. 440.

¶ Diserti igitur hominis, et facile laborantis, quodque in patriis est moribus,

constitution as old as Romulus, who assigned the patronage of the people to the patricians or senators, without fee or reward: but, in succeeding ages, when, through the avarice of the nobles, it was become a custom for all clients to make annual presents to their patrons, by which the body of the citizens was made tributary as it were to the senate, M. Cincius, a tribune, published a law, prohibiting all senators to take money or gifts on any account, and especially for pleading causes. In the contest about this law, Cicero mentions a smart reply made by the tribune to C. Cento, one of the orators who opposed it; for when Cento asked him, with some scorn, "What is it, my little Cincius, that you are "making all this stir about?" Cincius replied, "that "you, Caius, may pay for what you use."* We must not imagine, however, that this generosity of the great was wholly disinterested, or without any expectation of fruit; for it brought the noblest which a liberal mind could receive, the fruit of praise and honour from the public voice of their country: it was the proper instrument of their ambition, and the sure means of advancing them to the first dignities of the state; they gave their labours to the people, and the people repaid them with the honours and preferments which they had the power to bestow: this was a wise and happy constitution, where, by a necessary connexion between virtue and honour, they served mutually to produce and perpetuate each other; where the reward of honours excited merit, and merit never failed to procure honours; the only policy which can make a nation great and prosperous.

multorum causas et non gravate et gratuito defendentis, beneficia et patrocinia late patent. De offic: 2. 19.

* Quid legem Cinciam de donis et muneribus, nisi quia vectigalis jam et stipendiaria plebs esse senatui cœperat? [Liv. 34. 4.] Consurgunt Patres legemque Cinciam flagitant, qua cavetur antiquitus, ne quis ob causam orandam pecuniam donumve accipiat. [Tacit. Annal. 11. 5.] M. Cincius, quo die legem de donis et muneribus tulit, cum C. Cenlo prodiisset, et satis contumeliose, quid fers Cinciole? quæsisset; ut emas, inquit, Cai, si uti velis. Cic. de Orat. 2. 71.

• This Cincian law was made in the year of Rome 549, and recommended to the people, as Cicero tells us, by Q. Fabius Maximus, in the extremity of his age. De Senect. 4. Vid. Pigh. Annal. tom. 2. p. 218.

Thus the three orators just mentioned, according to the custom and constitution of Rome, were all severally employed this summer in suing for the different offices, to which their different age and rank gave them a right to pretend; Cotta for the consulship, Hortensius the ædileship, Cicero the quæstorship; in which they all succeeded: and Cicero especially had the honour to be chosen the first of all his competitors by the unanimous suffrage of the tribes; and in the first year in which he was capable of it by law, the thirty-first of his age.*

The quæstors were the general receivers or treasurers of the Republic; whose number had been gradually enlarged with the bounds and revenues of the empire from two to twenty, as it now stood from the last regulation of Sylla. They were sent annually into the several provinces, one with every proconsul or governor, to whom they were next in authority, and had the proper equipage of magistrates, the lictors carrying the fasces before them; which was not, however, allowed to them at Rome. Besides the care of the revenues, it was their business also, to provide corn and all sorts of grain, for the use of the armies abroad, and the public consumption at home.

This was the first step in the legal ascent and gradation of public honours, which gave an immediate right to the senate, and after the expiration of the office, an actual admission into it during life: and though, strictly speaking, none were held to be complete senators, till they were enrolled at the next lustrum in the list of the censors, yet that was only a matter of form, and what could not be denied to them, unless for the charge and notoriety of some crime, for which every other senator was equally liable to be degraded. These quæstors, therefore, chosen annually by the people, were the regular and ordinary supply of the vacancies of the senate, which

* Me cum quæstorem in primis—cunctis suffragiis populus Romanus faciebat. In Pis. 1. Brut. 440.

consisted, at this time, of about five hundred: by which excellent institution, the way to the highest order of the state was laid open to the virtue and industry of every private citizen; and the dignity of this sovereign council maintained by a succession of members, whose distinguished merit had first recommended them to the notice and favour of their country.*

The consuls of this year were Cn. Octavius and C. Scribonius Curio; the first was Cicero's particular friend, a person of singular humanity and benevolence, but cruelly afflicted with the gout; whom Cicero therefore urges as an example against the Epicureans, to shew, that a life supported by innocence could not be made miserable by pain.† The second was a professed orator, or pleader at the bar, where he sustained some credit, without any other accomplishment of art or nature, than a certain purity and splendour of language, derived from the institution of a father who was esteemed for his eloquence: his action was vehement, with so absurd a manner of waving his body from one side to the other, as to give occasion to a jest upon him, that he had learned to speak in a boat. They were both of them, however, good magistrates; such as the present state of the Republic required; firm to the in-

* Quæstura, primus gradus honoris—[in Verr. Acc. 1. 4.] Populum Romanum, cujus honoribus in amplissimo concilio, et in altissimo gradu dignitatis, atque in hac omnium terrarum arce collocati sumus. [Post red. ad Sen. 1.] Ita magistratus annuos creaverunt, ut concilium senatus reip. proponerent sempiternum; deligerentur autem in id concilium ab universo populo, aditusque in illum summum ordinem omnium civium, industriæ ac virtuti pateret. Pro Sext. 65.

This account of the manner of filling up the senate is confirmed by many other passages of Cicero's works: for example; when Cicero was elected ædile, the next superior magistrate to the quæstor, and before his entrance into that office, he took a journey into Sicily, to collect evidence against Verres; in the account of which voyage, he says, that he went at his own charges, though a senator, into that province, where he had before been quæstor. [In Verr. 1. 1. 6.] Again; when the government of Cilicia was allotted to him, he begged of young Curio, as he did of all his friends in the senate, not to suffer it to be prolonged to him beyond the year. In his absence, Curio, who, before, had been only quæstor, was elected tribune; upon which, Cicero, in a congratulatory letter to him on that promotion, taking occasion to renew his former request, says, that he asked it of him before as of a senator of the noblest birth, and a youth of the greatest interest; but now of a tribune of the people, who had the power to grant him what he asked. Epist. fam. 2. 7.

† De Fin. 2. 28.

terests of the senate, and the late establishment made by Sylla, which the tribunes were labouring by all their arts to overthrow. These consuls, therefore, were called before the people by Sicinius, a bold and factious tribune, to declare their opinion about the revocation of Sylla's acts, and the restoration of the tribunician power, which was now the only question that engaged the zeal and attention of the city: Curio spoke much against it with his usual vehemence and agitation of body; while Octavius sat by, crippled with the gout, and wrapped up in plaisters and ointments. When Curio had done, the tribune, a man of humourous wit, told Octavius, that he could never make amends to his colleague for the service of that day; for if he had not taken such pains to beat away the flies, they would certainly have devoured him.* But while Sicinius was pursuing his seditious practices, and using all endeavours to excite the people to some violence against the senate, he was killed by the management of Curio, in a tumult of his own raising.†

We have no account of the precise time of Cicero's marriage; which was celebrated most probably in the end of the preceding year, immediately after his return to Rome, when he was about thirty years old: it cannot be placed later, because his daughter was married the year before his consulship, at the age only of thirteen; though we suppose her to be born this year on the fifth of August, which is mentioned to be her birth-day.‡ Nor is there any thing certain delivered of the family and condition of his wife Terentia; yet from her name, her great fortune, and her sister Fabia's being one of the vestal virgins,§ we may conclude, that she was nobly descended. This year, therefore, was particularly fortunate to him, as

* Curio copia nonnulla verborum, nullo alio bono, tenuit oratorum locum. [Brut. 350. it. 323.] Motus erat is, quem C. Julius in perpetuum notavit, cum ex eo, in utramque partem toto corpore vacillante, quæsivit, quis loqueretur e lintre—— Nunquam, inquit, Octavi, collegæ tuo gratiam referes; qui nisi se suo more jactavisset, hodie te istic muscæ comedissent. Ibid. 324.

† Vid. Sallust. Fragm. Hist. l. 3. Orat. Macri. Pigh. Ann. 677.

‡ Nonis Sextil. ad Att. 4. 1. § Ascon. Orat. in Tog. cand.

it brought an increase, not only of issue, but of dignity into his family, by raising it from the equestrian to the senatorian rank; and, by this early taste of popular favour, gave him a sure presage of his future advancement to the superior honours of the Republic.

SECTION II.

THE provinces of the quæstors being distributed to them always by lot, the island of Sicily happened to fall to Cicero's share.* This was the first country, which, after the reduction of Italy, became a prey to the power of Rome,† and was then thought considerable enough to be divided into two provinces, of Lilybeum and Syracuse; the former of which was allotted to Cicero: for though they were both united at this time under one prætor or supreme governor, S. Peducæus, yet they continued still to have, each of them, a distinct quæstor.‡ He received this office not as a gift, but a trust; and considered it, he says, as a public theatre, in which the eyes of the world were turned upon him; and, that he might act his part with the greater credit, resolved to devote his whole attention to it, and to deny himself every pleasure, every gratification of his appetites, even the most innocent and natural, which could obstruct the laudable discharge of it.§

Sicily was usually called the granary of the Republic;‖ and the quæstor's chief employment in it was, to supply corn and provisions for the use of the

* Me quæstorem Siciliensis excepit annus. Brut. 440.

† Prima omnium, id quod ornamentum Imperii est, provincia est appellata. In Verr. l. 3. 1.

‡ Quæstores utriusque provinciæ, qui isto prætore fuerunt. Ib. 4.

§ Ita quæstor sum factus, ut mihi honorem illum non solum datum, sed etiam creditum, ut me quæsturamq; meam quasi in aliquo terrarum orbis theatro versari existimarem; ut omnia semper quæ jucunda videntur esse, non modo his extraordinariis cupiditatibus, sed etiam ipsi naturæ ac necessitati denegarem. In Verr. l. 5. 14.

‖ Ille M. Cato sapiens, cellam penariam Reipublicæ, nutricem plebis Romanæ Siciliam nominavit. In Verr. l. 2. 2.

city: but there happening to be a peculiar scarcity this year at Rome, it made the people very clamorous, and gave the tribunes an opportunity of inflaming them the more easily, by charging it to the loss of the tribunician power, and their being left a prey by that means to the oppressions of the great.* It was necessary, therefore, to the public quiet, to send out large and speedy supplies from Sicily, by which the island was like to be drained; so that Cicero had a difficult task to furnish what was sufficient for the demands of the city, without being grievous at the same time to the poor natives; yet he managed the matter with so much prudence and address, that he made very great exportations, without any burden upon the province; shewing great courtesy all the while to the dealers, justice to the merchants, generosity to the inhabitants, humanity to the allies; and, in short, doing all manner of good offices to every body, by which he gained the love and admiration of all the Sicilians, who decreed greater honours to him, at his departure, than they had ever decreed before to any of their chief governors.† During his residence in the country, several young Romans of quality, who served in the army, having committed some great disorder and offence against martial discipline, ran away to Rome for fear of punishment; where, being seized by the magistrates, they were sent back to be tried before the prætor in Sicily: but Cicero undertook their defence, and pleaded for them so well, that he got them all acquitted;‡ and by that means obliged many considerable families of the city.

In the hours of leisure from his provincial affairs, he employed himself very diligently, as he used to do at Rome, in his rhetorical studies; agreeably to

* Vid. Orat. Cottæ in fragment. Sallust.

† Frumenti in summa caritate maximum numerum miseram: negociatoribus comis, mercatoribus justus, municipibus liberalis, sociis abstinens, omnibus eram visus in omni officio diligentissimus: excogitati quidam erant a Siculis honores in me inauditi. Pro Planc. 26.

‡ Plutarch's Life of Cic.

the rule which he constantly inculcates, never to let one day pass without some exercise of that kind: so that, on his return from Sicily, his oratorical talents were, according to his own judgment, in their full perfection and maturity.* The country itself, famous of old for its school of eloquence, might afford a particular invitation to the revival of those studies: for the Sicilians, as he tells us, being a sharp and litigious people, and after the expulsion of their tyrants, having many controversies among themselves about property, which required much pleading, were the first who invented rules, and taught an art of speaking, of which Corax and Tysias were the first professors; an art which, above all others, owes its birth to liberty, and can never flourish but in a free air.†

Before he left Sicily, he made the tour of the island, to see every thing in it that was curious, and especially the city of Syracuse, which had always made the principal figure in its history. Here his first request to the magistrates, who were shewing him the curiosities of the place, was, to let him see the tomb of Archimedes, whose name had done so much honour to it; but, to his surprise, he perceived that they knew nothing at all of the matter, and even denied that there was any such tomb remaining: yet, as he was assured of it beyond all doubt, by the concurrent testimony of writers, and remembered the verses inscribed, and that there was a sphere with a cylinder engraved on some part of it, he would not be dissuaded from the pains of searching it out. When they had carried him therefore to the gate, where the greatest number of their old sepulchres stood, he observed, in a spot overgrown with shrubs and briars, a small column, whose head just appeared

* Jam videbatur illud in me, quicquid esset, esse perfectum, et habere maturitatem quandam suam. Brut. 440.

† Cum sublatis in Sicilia tyrannis res privatæ longo intervallo judiciis repeterentur, tum primum, quod esset acuta illa gens et controversa natura, artem et præcepta Siculos Coracem et Tysiam conscripsisse. Brut. 75. Hæc una res in omni libero populo, maximeque in pacatis, tranquillisque civitatibus semper floruit, semperque dominata est. De Orat. l. 8.

above the bushes, with the figure of a sphere and cylinder upon it; this, he presently told the company, was the thing that they were looking for; and sending in some men to clear the ground of the brambles and rubbish, he found the inscription also which he expected, though the latter part of all the verses was effaced. "Thus," says he, "one of the "noblest cities of Greece, and once likewise the "most learned, had known nothing of the monu-"ment of its most deserving and ingenious citizen, "if it had not been discovered to them by a native "of Arpinum."* At the expiration of his year, he took leave of the Sicilians by a kind and affectionate speech, assuring them of his protection in all their affairs at Rome; in which he was as good as his word, and continued ever after their constant patron, to the great benefit and advantage of the province.

He came away extremely pleased with the success of his administration; and flattering himself, that all Rome was celebrating his praises, and that the people would readily grant him every thing that he desired: in which imagination he landed at Puteoli, a considerable port adjoining to Baiæ, the chief seat of pleasure in Italy, where there was a perpetual resort of all the rich and the great, as well for the delights of its situation, as the use of its baths and hot waters. But here, as he himself pleasantly tells the story, he was not a little mortified by the first friend whom he met; who asked him, "How long he "had left Rome, and what news there?" when he answered, "That he came from the provinces." "From Africa, I suppose," says another: and upon his replying with some indignation, "No; I come "from Sicily:" a third, who stood by, and had a mind to be thought wiser, said presently, "How! did you "not know that Cicero was quæstor of Syracuse?" Upon which, perceiving it in vain to be angry, he fell into the humour of the place, and made himself one of the company who came to the waters. This mor-

*Tusc. Quest. 5. 3.

tification gave some little check to his ambition, or taught him rather how to apply it more successfully; "and did him more good," he says, "than if he had "received all the compliments that he expected: "for it made him reflect, that the people of Rome "had dull ears, but quick eyes; and that it was his "business to keep himself always in their sight; nor "to be so solicitous how to make them hear of him, "as to make them see him: so that, from this mo- "ment, he resolved to stick close to the Forum, and "to live perpetually in the view of the city; nor to "suffer either his porter or his sleep to hinder any "man's access to him."*

At his return to Rome, he found the consul, L. Lucullus, employing all his power to repel the attempts of a turbulent tribune, L. Quinctius, who had a manner of speaking peculiarly adapted to inflame the multitude, and was perpetually exerting it, to persuade them to reverse Sylla's acts.† These acts were odious to all who affected popularity, especially to the tribunes, who could not brook with any patience the diminution of their ancient power; yet all prudent men were desirous to support them, as the best foundation of a lasting peace and firm settlement of the Republic. The tribune Sicinius made the first attack upon them soon after Sylla's death, but lost his life in the quarrel; which, instead of quenching, added fuel to the flame; so that C. Cotta, one of the next consuls, a man of moderate principles, and obnoxious to neither party, made it his business to mitigate these heats, by mediating between the senate and the tribunes, and remitting a part of the restraint that Sylla had laid upon them, so far as to restore them to a capacity of holding the superior magistracies. But a partial restitution could not satisfy them; they were as clamorous still as ever, and thought it a treachery to be quiet, till they had recovered their whole rights; for which purpose, Quinc-

* Pro Planc. 26.

† Homo cum summa potestate præditus, tum ad inflammandos animos multitudinis accommodatus. Pro Cluent. 29. Plut. in Lucull.

tius was now imitating his predecessor, Sicinius, and exciting the populace to do themselves justice against their oppressors, nor suffer their power and liberties to be extorted from them by the nobles. But the vigour of Lucullus prevented him from gaining any farther advantage, or making any impression this year to the disturbance of the public peace.*

C. Verres, of whom we shall have occasion to say more hereafter, was now also prætor of the city, or the supreme administrator of justice; whose decrees were not restrained to the strict letter of the law, but formed usually upon the principles of common equity; which, while it gives a greater liberty of doing what is right, gives a greater latitude withal of doing wrong; and the power was never in worse hands, or more corruptly administered than by Verres: "For "there was not a man in Italy," says Cicero, "who "had a law-suit at Rome, but knew, that the rights "and properties of the Roman people were deter-"mined by the will and pleasure of his whore."†

There was a very extraordinary commission granted this year to M. Antonius, the father of the triumvir; the inspection and command of all the coasts of the Mediterranean: "a boundless power," as Cicero calls it,‡ which gave him an opportunity of plundering the provinces, and committing all kinds of outrage on the allies. He invaded Crete without any declaration of war, on purpose to enslave it, and with such an assurance of victory, that he carried more fetters with him than arms.‖ But he met with the fate that he deserved: for the Cretans totally routed him in a naval engagement, and returned tri-

* Nisi forte C. Cotta, ex factione media consul, aliter quam metu jura quædam tribunis pleb. restituit; et quanquam L. Sicinius primus de potestat: tribunicia loqui ausus, nussitantibus vobis circumventus erat.—Lucullus superiore anno quantis animis ierit in L. Quinctium, vidistis.—Vid. Sallust. Hist. Fragm. l. 3. Orat. Macri Licinii. Plut. in Lucull.

† Ut nemo tam rusticanus homo, Romam ex ullo municipio vadimonii causa venerit, quin sciret jura omnia prætoris urbani nutu atque arbitrio Chelidonis meretriculæ gubernari. In Verr. 5. 13.

‡ M. Antonii infinitum illud imperium. Ib. 2. 3.

‖ Primus invasit insulam M. Antonius, cum ingenti quidem victoriæ spe atque fiducia, adeo ut plures catenas in navibus, quam arma portaret. Flor. 3. 7.

umphant into their ports, with the bodies of their enemies hanging on their masts. Antonius died soon after this disgrace, infamous in his character, "nor "in any respect a better man," says Asconius, "than "his son."* But Metellus made the Cretans pay dear for their triumph, by the entire conquest of their country: "in which war," as Florus says, "if the "truth must be told, the Romans were the aggres- "sors; and though they charged the Cretans with "favouring Mithridates, yet their real motive was, "the desire of conquering so noble an island."†

Mithridates had also now renewed the war against Rome; encouraged to it by the diversion which Sertorius was giving at the same time in Spain to their best troops and ablest generals, Metellus and Pompey: so that Lucullus, who, on the expiration of his consulship, had the province of Asia allotted to him, obtained with it, of course, the command of this war. But while their arms were thus employed in the different extremities of the empire, an ugly disturbance broke out at home, which, though contemptible enough in its origin, began, in a short time, to spread terror and consternation through all Italy. It took its rise from a few gladiators, scarce above thirty at the first, who broke out of their school at Capua, and, having seized a quantity of arms, and drawn a number of slaves after them, posted themselves on Mount Vesuvius: here they were presently surrounded by the prætor, Clodius Glaber, with a good body of regular troops; but, forcing their way through them with sword in hand, they assaulted and took his camp, and made themselves masters of all Campania.—From this success their numbers presently increased to the size of a just army of forty thousand fighting men; with which they made head against the Roman legions, and sustained a vigorous

* Antonium, cum multa contra sociorum salutem, multa contra utilitatem provinciarum et faceret et cogitaret, in mediis ejus injuriis et cupiditatibus mors oppressit. In Verr. 3. 91.

† Creticum bellum, si vera volumus noscere, nos fecimus scla vincendi nobilem insulam cupiditate. Flor. ib.

war for three years in the very bowels of Italy; where they defeated several commanders of consular and prætorian rank; and, puffed up with their victories, began to talk of attacking Rome. But M. Crassus, the prætor, to whom the war was committed, having gathered about him all the forces which were near home, chastised their insolence, and drove them before him to the extremity of Rhegium; where, for want of vessels to make their escape, the greatest part was destroyed, and among them their general, Spartacus, fighting bravely to the last at the head of his desperate troops.* This was called the servile war, for which Crassus had the honour of an ovation; it being thought beneath the dignity of the Republic to grant a full triumph for the conquest of slaves: but to bring it as near as possible to a triumph, Crassus procured a special decree of the senate, to authorize him to wear the laurel crown, which was the proper ornament of the triumph, as myrtle was of the ovation.†

The Sertorian war happened to be finished also fortunately near the same time. The author of it, Sertorius, was bred under C. Marius, with whom he had served in all his wars, with a singular reputation, not only of martial virtue, but of justice and clemency; for though he was firm to the Marian party, he always disliked and opposed their cruelty, and advised a more temperate use of their power. After the death of Cinna, he fell into Sylla's hands, along with the consul Scipio, when the army abandoned them: Sylla dismissed him with life, on the account, perhaps, of his known moderation; yet, taking him to be an utter enemy to his cause, he soon after proscribed and drove him to the necessity of seeking his safety in foreign countries. After several attempts on Africa, and the coasts of the Mediterranean, he found a settlement in Spain,

* Vid. Flor. 3. 20.

† Plut. in Crass.—Crasse, quid est, quod confecto formidolosissimo bello, coronam illam lauream tibi tantopere decerni volueris? In Pison. 24.

whither all who fled from Sylla's cruelty resorted to him, of whom he formed a senate, which gave laws to the whole province.—Here by his great credit and address, he raised a force sufficient to sustain a war of eight years against the whole power of the Republic; and to make it a question, whether Rome or Spain should possess the empire of the world. Q. Metellus, an old experienced commander, was sent against him singly at first; but was so often baffled and circumvented by his superior vigour and dexterity, that the people of Rome were forced to send their favourite Pompey to his assistance, with the best troops of the empire. Sertorius maintained his ground against them both; and, after many engagements, in which he generally came off equal, often superior, was basely murdered at a private feast, by the treachery of Perperna; who, being the next to him in command, was envious of his glory, and wanted to usurp his power. Perperna was of noble birth, and had been prætor of Rome, where he took up arms with the consul Lepidus, to reverse the acts of Sylla, and recal the proscribed Marians, and, after their defeat, carried off the best part of their troops to the support of Sertorius:* but instead of gaining what he expected from Sertorius's death, he ruined the cause, of which he had made himself the chief, and put an end to a war that was wholly supported by the reputation of the general; for the revolted provinces presently submitted; and the army having no confidence in their new leader, was easily

* Sylla et Consulem, ut prædiximus, exarmatumque, Sertorium proh quanti mali belli facem! et multos alios dimisit incolumes. Vell. Pat. 2. 25. 29.

Jam Africæ, jam Balearibus Insulis fortunam expertus, missusque in oceanum—tandem Hispaniam armavit———Satis tanto hosti uno Imperatore resistere res Romana non potuit: additus Metello Cn. Pompeius. Hi copias viri diù, et ancipiti semper acie attrivere: nec tamen prius bello, quam suorum scelere et insidiis, extinctus est. Flor. 3. 22.

Illa in tantum Sertorium armis extulit, ut per quinquennium dijudicari non potuerit, Hispanis, Romanisve in armis plus esset roboris et uter populus alteri pariturus foret. Vell. Pat. 2. 90.

A M. Perperna et aliis conjuratis convivio interfectus est, octavo ducatus sui anno; magnus dux, et adversus duos Imperatores, Pompeium et Metellum, sæpe par, frequentius victor. Epit. Liv. 96. Vid. etiam Plut. in Sertorio et Pomp. Appian. p. 418.

broken and dispersed, and Perperna himself taken prisoner.

Pompey is celebrated on this occasion for an act of great prudence and generosity; for when Perperna, in hopes of saving his life, offered to make some important discoveries, and to put into his hands all Sertorius's papers, in which were several letters from the principal senators of Rome, pressing him to bring his army into Italy, for the sake of overturning the present government, he ordered the papers to be burnt, without reading them, and Perperna to be killed without seeing him.* He knew that the best way of healing the discontents of the city, where faction was perpetually at work to disturb the public quiet, was to ease people of those fears which a consciousness of guilt would suggest, rather than push them to a necessity of seeking their security from a change of affairs, and the overthrow of the state.† As he returned into Italy, at the head of his victorious army, he happened to fall in luckily with the remains of those fugitives, who, after the destruction of Spartacus, had escaped from Crassus, and were making their way in a body towards the Alps, whom he intercepted, and entirely cut off, to the number of five thousand; and, in a letter upon it to the senate, said, that Crassus, indeed, had defeated the gladiators, but that he had plucked up the war by the roots.‡ Cicero, likewise, from a particular dislike to Crassus, affected in his public speeches to give Pompey the honour of finishing this war, declaring, that the very fame of his coming had broken the force of it, and his presence extinguished it.§

For this victory in Spain Pompey obtained a se-

* Plut. in Pomp. Appian. 423.

† In tanto civium numero, magna multitudo est eorum, qui propter metum pœnæ peccatorum suorum conscii, novos motus conversionesque Reip. quærunt. Pro Sext. 46.

‡ Plut. ibid.

§ Quod bellum expectatione Pompeii attenuatum atque imminutum est; adventu sublatum et sepultum. Pro leg. Manil. xi. it.—Qui etiam servitia virtute victoriaque domuisset. Pro Sext. 31.

cond triumph, while he was still only a private citizen, and of the equestrian rank: but the next day he took possession of the consulship, to which he had been elected in his absence; and, as if he had been born to command, made his first entry into the senate in the proper post to preside in it. He was not yet full thirty-six years old; but the senate, by a decree, dispensed with the incapacity of his age and absence, and qualified him to hold the highest magistracy, before he was capable, by law, of pretending even to the lowest; and by his authority M. Crassus was elected also for his colleague.*

Crassus's father and elder brother lost their lives in the massacres of Marius and Cinna; but he himself escaped into Spain, and lay there concealed till Sylla's return to Italy, whither he presently resorted to him, in hopes to revenge the ruin of his fortunes and family on the opposite faction. As he was attached to Sylla's cause, both by interest and inclination, so he was much considered in it; and, being extremely greedy and rapacious, made use of all his credit to enrich himself by the plunder of the enemy and the purchase of confiscated estates, which Cicero calls his harvest. By these methods he raised an immense wealth, computed at many millions, gathered from the spoils and calamities of his country. He used to say, that no man could be reckoned rich who was not able to maintain an army out of his own rents:† and, if the accounts of antiquity be true, the number of his slaves was scarce inferior to that of a full army; which, instead of being a burthen, made one part of his revenue; being all trained to some useful art or profession, which enabled them not only to support themselves, but to bring a share

* Pompeius hoc quoque triumpho, adhuc Eques Romanus, ante diem quam Consulatum iniret, curru urbem invectus est.—Vell. Pat. 2. 30.

Quid tam singulare, quam ut ex S. C. legibus solutus, Consul ante fieret, quam ullum alium Magistratum per leges capere licuisset? Quid tam incredibile, quam ut iterum Eques Romanus S. C. triumpharet? Pro Leg. Man. 21. Vid. Plut. in Pomp.

† Illam Syllani temporis messem———Parad. 6. 2.

Multi ex te audierunt, cum dicores, neminem esse divitem, nisi qui exercitum alere posset suis fructibus. Ib. 1.

of profit to their master. Among the other trades in his family, he is said to have had above five hundred masons and architects, constantly employed in building or repairing the houses of the city.* He had contracted an early envy to Pompey, for his superior credit both with Sylla and the people; which was still aggravated by Pompey's late attempt to rob him of the honour of ending the servile war; but finding himself wholly unequal to his rival in military fame, he applied himself to the arts of peace and eloquence; in which he obtained the character of a good speaker, and, by his easy and familiar address, and a readiness to assist all who wanted either his protection or his money, acquired a great authority in all the public affairs; so that Pompey was glad to embrace and oblige him, by taking him for his partner in the consulship.

Five years were now almost elapsed, since Cicero's election to the quæstorship; which was the proper interval prescribed by law, before he could hold the next office of tribune or ædile; and it was necessary to pass through one of these in his way to the superior dignities: he chose therefore to drop the tribunate, as being stripped of its ancient power by the late ordinance of Sylla, and began to make interest for the ædileship, while Hortensius at the same time was suing for the consulship. He had employed all this interval in a close attendance on the Forum, and a perpetual course of pleading,† which greatly advanced his interest in the city; especially when it was observed, that he strictly complied with the law, by refusing not only to take fees, but to accept even any presents, in which the generality of patrons were less scrupulous.‡ Yet all his orations within this period are lost; of which number were those for M. Tullius and L. Varenus, mentioned by Quintillian and Priscian, as extant in their time.

* Plut. in Crass.

† Cum igitur essem in plurimis causis, et in principibus patronis quinquennium fere versatus. Brut. p. 440.

‡ Plut. Cic.

Some writers tell us, that he improved and perfected his action by the instructions of Roscius and Æsopus; the two most accomplished actors in that, or perhaps in any other age—the one in comedy, the other in tragedy.* He had a great esteem indeed for them both, and admired the uncommon perfection of their art: but though he condescended to treat them as friends, he would have disdained to use them as masters. He had formed himself upon a nobler plan, drawn his rules of action from nature and philosophy, and his practice from the most perfect speakers then living in the world; and declares the theatre to be an improper school for the institution of an orator, as teaching gestures too minute and unmanly,† and labouring more about the expression of words, than of things:† nay, he laughs sometimes at Hortensius for an action too foppish and theatrical,‡ who used to be rallied on that very account, by the other pleaders, with the title of "the player;" so that, in the cause of P. Sylla, Torquatus, a free speaker on the other side, called him, by way of ridicule, Dionysia, an actress of those times, in great request for her dancing.§ Yet Hortensius himself was so far from borrowing his manner from the stage, that the stage borrowed from him; and the two celebrated actors just mentioned, Roscius and Æsopus, are said to have attended all the trials in which he pleaded, in order to perfect the action of the theatre by that of the Forum; which seems indeed to be the more natural method of the two, that they who act in feigned life should take their pattern from the true; not those who represent the true copy from that

* Plut. Cic.

† Quis neget opus esse Oratori in hoc oratorio motu, statuque Roscii gestum?—tamen nemo suaserit studiosis dicendi adolescentibus in gestu discendo histrionum more elaborare. De Orat. 1. 59. Vid. Tusc. Disp. 4. 25.

Omnes autem hos motus subsequi debet gestus; non hic, verba exprimens, scenicus, sed universam rem et sententiam; non demonstratione, sed significatione declarans, laterum inflectione hac sorti ac virili, non ab scena et histrionibus. Ib. 3. 59.

‡ Putamus.—Patronum tuum cerviculam jactaturum. In Verr. l. 3. 19.

§ L. Torquatus, subagresti homo ingenio et infestivo—non jam histrionem illum diceret, sed gesticulariam, Dionysiamque eum notissimæ saltatriculæ nomine appellaret. Aul. Gell. 1. 5.

which is feigned.* We are told, however, by others, what does not seem wholly improbable, that Cicero used to divert himself sometimes with Roscius, and make it an exercise, or trial of skill between them, which could express the same passion the most variously, the one by words, the other by gestures.†

As he had now devoted himself to a life of business and ambition, so he omitted none of the usual arts of recommending himself to popular favour, and facilitating his advancement to the superior honours. He thought it absurd, "that when every little artificer knew the name and use of all his tools, a "statesman should neglect the knowledge of men, "who were the proper instruments with which he "was to work: he made it his business therefore "to learn the name, the place, and the condition of "every eminent citizen; what estate, what friends, "what neighbours he had; and could readily point "out their several houses, as he travelled through "Italy."‡ This knowledge, which is useful in all popular governments, was peculiarly necessary at Rome; where the people, having much to give, expected to be much courted; and where their high spirits and privileges placed them as much above the rank of all other citizens, as the grandeur of the Republic exceeded that of all other states: so that every man, who aspired to any public dignity, kept a slave or two in his family, whose sole business it was to learn the names, and know the persons of every citizen at sight, so as to be able to whisper them to his master, as he passed through the streets, that he might be ready to salute them all familiarly, and shake hands with them, as his particular acquaintance.§

* Genus hoc totum Oratores, qui sunt veritatis ipsius actores, reliquerunt; imitatores autem veritatis, histriones, occupaverunt.—At sine dubio in omni re vincit imitationem veritas. De Orat. 3. 56.

† Satis constat, contendere eum cum ipso histrione solitum, utrum ille sæpius eandem sententiam variis gestibus efficeret, an ipse per eloquentiæ copiam sermone diverso pronunciaret. Macrob. Saturn. 2. x.

‡ Plut. in Cic.

§ Vid. de petitione Consulat. xi.

Mercemur servum, qui dictet nomina: lævum
Qui fodiat latus, et cogat trans pondera dextram

Plutarch says, "that the use of these nomenclators was contrary to the laws; and that Cato, for that reason, in suing for the public offices, would not employ any of them, but took all that trouble upon himself."* But that notion is fully confuted by Cicero, who, in his oration for Murena, rallies the absurd rigour of Cato's stoical principles, and their inconsistency with common life, from the very circumstance of his having a nomenclator—"What do you mean," says he, "by keeping a nomenclator? The thing itself is a mere cheat: for if it be your duty to call the citizens by their names, it is a shame for your slave to know them better than yourself.—Why do you not speak to them before he has whispered you? Or, after he has whispered, why do you salute them, as if you knew them yourself? Or, when you have gained your election, why do you grow careless about saluting them at all? All this, if examined by the rules of social life, is right; but if by the precepts of your philosophy, very wicked."† As for Cicero himself, whatever pains he is said to have taken in this way, it appears, from several passages in his letters, that he constantly had a nomenclator at his elbow on all public occasions.‡

He was now in his thirty-seventh year, the proper age for holding the ædileship, which was the first public preferment that was properly called a magistracy; the quæstorship being an office only or place of trust, without any jurisdiction in the city, as the ædiles had.§ These ædiles, as well as all the inferior

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Porrigere. Hic multum in Fabia valet, ille Velina:
Cuilibet hic fasces dabit, &c.
Hor. Epist. 1. 6.

* Plut. in Cato. † Pro Murena, 36.

‡ Ut nemo nullius ordinis homo nomenclatori notus fuerit, qui mihi obviam non venerit. Ad Att. 4. 1.

§ This will explain what Cicero says above of Pompey's entering upon the consulship, at an age when he was incapable even of the lowest magistracy. But, though strictly speaking, the ædileship was the first which was called a magistracy; yet Cicero himself, and all the old writers, give the same title also to the tribunate and quæstorship.

officers, were chosen by the people voting in their tribes; a manner of electing of all the most free and popular: in which Cicero was declared ædile, as he was before elected quæstor, by the unanimous suffrage of all the tribes, and preferably to all his competitors.*

There were originally but two ædiles, chosen from the body of the people, on pretence of easing the tribunes of a share of their trouble: whose chief duty, from which the name itself was derived, was to take care of the edifices of the city; and to inspect the markets, weights, and measures; and regulate the shows and games, which were publicly exhibited on the festivals of their gods.† The senate afterwards, taking an opportunity when the people were in good humour, prevailed to have two more created from their order, and of superior rank, called curule ædiles, from the arm-chair of ivory, in which they sat.‡ But the tribunes presently repented of their concession, and forced the senate to consent, that these new ædiles should be chosen indifferently from the patrician or plebeian families.§ But whatever difference there might be at first between the curule and plebeian ædiles, their province and authority seem, in later times, to be the same, without any distinction but what was nominal; and the two, who were chosen the first, were probably called the curule ædiles, as we find Cicero to be now styled. This magistracy gave a precedence in the senate, or a priority of voting and speaking, next after the consuls and prætors; and was the first that qualified a man to have a picture or statue of himself, and con-

* Me cum quæstorem in primis, ædilem priorem—cunctis suffragiis populus Romanus faciebat. In Pison. 1.

† Dionys. Hal. l. 6. 411.

‡ ——dabit, eripietque curule
Cui volet importunus ebur——
Hor. Ep. 1. 6.
Signa quoque in sella nossem formata curuli,
Et totum Numidæ sculptile dentis opus.
Ovid. de Pont. 4. 9

§ Liv. l. 6. ad fin.

sequently ennobled his family: * for it was from the number of these statues of ancestors, who had borne curule offices, that the families of Rome were esteemed the more or less noble.

After Cicero's election to the ædileship, but before his entrance into the office, he undertook the famed prosecution of C. Verres, the late prætor of Sicily, charged with many flagrant acts of injustice, rapine, and cruelty, during his triennial government of that island. And since this was one of the memorable transactions of his life, and for which he is greatly celebrated by antiquity, it will be necessary to give a distinct and particular relation of it.

The public administration was, at this time, in every branch of it, most infamously corrupt: the great, exhausted by their luxury and vice, made no other use of their governments, than to enrich themselves by the spoils of the foreign provinces: their business was to extort money abroad, that they might purchase offices at home, and to plunder the allies in order to corrupt the citizens. The oppressed, in the meanwhile, found it in vain to seek relief at Rome, where there was none who cared either to impeach or to condemn a noble criminal; the decision of all trials being in the hands of men of the same condition, who were usually involved in the same crimes, and openly prostituted their judgment, on these occasions, for favour or a bribe. This had raised a general discontent through the empire, with a particular disgust to that change made by Sylla, of transferring the right of judicature from the equestrian to the senatorian order, which the people were now impatient to get reversed; the prosecution, therefore, of Verres, was both seasonable and popular, as it was likely to give some check to the oppressions of the nobility, as well as comfort and relief to the distressed subjects.

All the cities of Sicily concurred in the impeach-

* Antiquiorem in senatu sententiæ dicendæ locum—jus imaginis ad memoriam, posteritatemque prodendam. In Verr. 5. 14.

ment, excepting Syracuse and Messana; for these two being the most considerable of the province, Verres had taken care to keep up a fair correspondence with them. Syracuse was the place of his residence, and Messana the repository of his plunder, whence he exported it all to Italy: and though he would treat even these, on certain occasions, very arbitrarily, yet in some flagrant instances of his rapine, that he might ease himself of a part of the envy, he used to oblige them with a share of the spoil:* so that, partly by fear, and partly by favour, he held them generally at his devotion; and at the expiration of his government procured ample testimonials from them both, in praise of his administration. All the other towns were zealous and active in the prosecution, and, by a common petition to Cicero, implored him to undertake the management of it; to which he consented, out of regard to the relation which he had borne to them as quæstor, and his promise made at parting, of his protection in all their affairs. Verres, on the other hand, was supported by the most powerful families of Rome, the Scipios, and the Metelli, and defended by Hortensius, who was the reigning orator at the bar, and usually styled the king of the Forum:† yet the difficulty of the cause, instead of discouraging, did but animate Cicero the more, by the greater glory of the victory.

He had no sooner agreed to undertake it, than an unexpected rival started up, one Q. Cæcilius, a Sicilian by birth, who had been quæstor to Verres; and, by a pretence of personal injuries received from him, and a particular knowledge of his crimes, claimed a preference to Cicero in the task of accusing him, or at least to bear a joint share in it.—But this pretended enemy was in reality a secret

* Ergo, inquiet aliquis, donavit populo Syracusano istam hereditatem, &c. In Ver. 2. 18.

Messana tuorum adjutrix scelerum, libidinum testis, prædarum ac furtorum receptrix, &c. In Verr. 3. 8. it. 11.

† In foro ob eloquentiam Rege causarum. Ascon. Argum. in Divinat.

friend, employed by Verres himself, to get the cause into his hands, in order to betray it: his pretensions, however, were to be previously decided by a kind of process called divination, on account of its being wholly conjectural; in which the judges, without the help of witnesses, were to divine, as it were, what was fit to be done: but in the first hearing Cicero easily shook off this weak antagonist, rallying his character and pretensions with a great deal of wit and humour, and shewing, that the proper patron of such a cause could not be one who offered himself forwardly, but who was drawn to it unwillingly from the mere sense of his duty; one whom the prosecutors desired, and the criminal dreaded; one qualified by his innocence, as well as experience, to sustain it with credit; and whom the custom of their ancestors pointed out and preferred to it. In this speech, after opening the reasons why, contrary to his former practice, and the rule which he had laid down to himself, of dedicating his labours to the defence of the distressed, he now appeared as an accuser, he adds, "the provinces are utterly undone; the allies and tributaries "so miserably oppressed, that they have lost even "the hopes of redress, and seek only some comfort "in their ruin: those who would have the trials re"main in the hands of the senate, complain, that "there are no men of reputation to undertake im"peachments, no severity in the judges: the people "of Rome, in the meanwhile, though labouring "under many other grievances, yet desire nothing "so ardently as the ancient discipline and gravity "of trials. For the want of trials, the tribunician "power is called for again; for the abuse of trials, "a new order of judges is demanded; for the scan"dalous behaviour of judges, the authority of the "censors, hated before as too rigid, is now desired, "and grown popular. In this licence of profligate "criminals, in the daily complaints of the Roman "people, the infamy of trials, the disgrace of the

" whole senatorian order, as I thought it the only re-
" medy to these mischiefs, for men of abilities and
" integrity to undertake the cause of the Republic
" and the laws, so I was induced the more readily,
" out of regard to our common safety, to come to the
" relief of that part of the administration which
" seemed the most to stand in need of it."*

This previous point being settled in favour of Cicero, a hundred and ten days were granted to him by law for preparing the evidence; in which he was obliged to make a voyage to Sicily, in order to examine witnesses, and collect facts to support the indictment. He was aware, that all Verres's art would be employed to gain time, in hopes to tire out the prosecutors, and allay the heat of the public resentment: so that, for the greater dispatch, he took along with him his cousin, L. Cicero, to ease him of a part of the trouble, and finished his progress through the island in less than half the time which was allowed to him.†

In all journies of this kind, the prosecutor's charges used to be publicly defrayed by the province, or the cities concerned in the impeachment: but Cicero, to shew his contempt of money, and disinterestedness in the cause, resolved to put the island to no charge on his account; and in all the places to which he came, took up his quarters with his particular friends and acquaintance in a private manner, and at his own expense.‡

The Sicilians received him every where with all the honours due to his uncommon generosity, and the pains which he was taking in their service: but at Syracuse he met with some little affronts from the influence of the prætor, Metellus, who employed all his power to obstruct his inquiries, and

* Divinat. 3.

† Ego Siciliam totam quinquaginta diebus sic obii. In Verr. Act. 1, 2.

‡ In Siciliam sum inquirendi causa profectus, quo in negotio—ad hospites meos, ac necessarios, causæ communis defensor diverti potius, quam ad eos, qui a me consilium petivissent. Nemini meus adventus labori aut sumptui, neque publice neque privatim fuit. In Verr. l. 1. 6.

discourage the people from giving him information. He was invited, however, by the magistrates, with great respect, into their senate, where, after he had expostulated with them a little for the gilt statue of Verres, which stood there before his face, and the testimonial which they had sent to Rome in his favour, they excused themselves to him in their speeches, and alleged, that what they had been induced to do on that occasion was the effect of force and fear, obtained by the intrigues of a few, against the general inclination; and, to convince him of their sincerity, delivered into his hands the authentic accounts of many robberies and injuries which their own city had suffered from Verres, in common with the rest of the province.—As soon as Cicero retired, they declared his cousin Lucius the public guest and friend of the city, for having signified the same good-will towards them, which Cicero himself had always done; and, by a second decree, revoked the public praises which they had before given to Verres. Here Cicero's old antagonist, Cæcilius, appealed against them to the prætor; which provoked the populace to such a degree, that Cicero could hardly restrain them from doing him violence: the prætor dismissed the senate, and declared their act to be irregular, and would not suffer a copy of it to be given to Cicero; whom he reproached, at the same time, for betraying the dignity of Rome, by submitting not only to speak in a foreign senate, but in a foreign language, and to talk Greek among Grecians.* But Cicero answered him with such spirit and resolution, urging the

* Ait indignum facinus esse; quod ego in senatu Græca verba fecissem: quod quidem apud Græcos Græcè locutus essem, id ferri nullo modo posse. In Verr. 4..66. Vid. 62, 63, 64.

Valerius Maximus says, that the Roman magistrates were anciently so jealous of the honour of the Republic, that they never gave an answer to foreigners but in Latin; and obliged the Greeks themselves to speak to them always by an interpreter, not only in Rome, but in Greece and Asia; in order to inculcate a reverence for the Latin tongue through all nations. [Lib. 2. 2.] But this piece of discipline had long been laid aside; and the Greek language had obtained such a vogue in Rome itself, that all the great and noble were obliged not only to learn, but ambitious every where to speak it.

sanction of the laws, and the penalty of contemning them, that the prætor was forced at last to let him carry away all the vouchers and records which he required.*

But the city of Messana continued obstinate to the last, and firm to its engagements with Verres; so that when Cicero came thither, he received no compliments from the magistrates, no offer of refreshments or quarters; but was left to shift for himself, and to be taken care of by private friends. An indignity, he says, which had never been offered before to a senator of Rome; whom there was not a king or city upon earth, that was not proud to invite and accommodate with a lodging. But he mortified them for it severely at the trial, and threatened to call them to an account before the senate, as for an affront of the whole order.† After he had finished his business in Sicily, having reason to apprehend some danger in returning home by land, not only from the robbers, who infested all those roads, but from the malice and contrivance of Verres, he chose to come back by sea, and arrived at Rome, to the surprise of his adversaries, much sooner than he was expected,‡ and full charged with most manifest proofs of Verres' guilt.

On his return he found, what he suspected, a strong cabal formed to prolong the affair by all the arts of delay which interest or money could procure,§ with design to throw it off, at least to the next year, when Hortensius and Metellus were to be consuls, and Metellus's brother a prætor, by whose united authority the prosecution might easily be baffled: and they had already carried the matter

* Vid. in Verr. l. 4. 62—65.

† Ecquæ civitas est—Rex denique ecquis est, qui senatorum populi Romani tecto ac domo non invitet? &c. In Verr. 4. 11.

‡ Non ego a Vibone Veliam parvulo navigio inter fugitivorum prædonum, ac tua tela venissem—omnis illa mea festinatio fuit cum periculo capitis. In Ver. l. 2. 40. Vid. Ascon. Argum. in Divinat.

§ Reperio, judices, hæc ab istis consilia inita et constituta, ut quacunque opus esset ratione res ita ducceretur, ut apud M. Metellum Prætorem causa diceretur. In Ver. Act. 1. 9.

so far, that there was not time enough left within the current year to go through the cause in the ordinary forms. This put Cicero upon a new project, of shortening the method of the proceeding, * so as to bring it to an issue, at any rate, before the present prætor M. Glabrio and his assessors, who were like to be equal judges.† Instead, therefore, of spending any time in speaking, or employing his eloquence, as usual, in enforcing and aggravating the several articles of the charge, he resolved to do nothing more than produce his witnesses, and offer them to be interrogated: where the novelty of the thing, and the notoriety of the guilt, which appeared, at once, from the very recital of the depositions, so confounded Hortensius, that he had nothing to say for his client; who, despairing of all defence, submitted, without expecting the sentence, to a voluntary exile.‡

From this account it appears, that of the seven excellent orations, which now remain on the subject of this trial, the two first only were spoken, the one called the Divination, the other the First Action, which is nothing more than a general preface to the whole cause: the other five were published afterwards, as they were prepared and intended to be spoken, if Verres had made a regular defence; for as this was the only cause in which Cicero had yet been engaged, or ever designed to be engaged, as an accuser, so he was willing to leave these orations as a specimen of his abilities in that way, and the pattern of a just and diligent impeachment of a great and corrupt magistrate.§

* Cicero summo consilio videtur in Verrem vel contrahere tempora dicendi maluisse, quam in eum annum, quo erat Q. Hortensius consul futurus, incidere. Quintil. 6. 5.

† Mihi certum est non committere, ut in hac causa prætor nobis consiliumque mutetur. Act. 1. 18.

‡ Faciam hoc—ut utar testibus statim. Ib.—Sed tantummodo citaret testes—et eos Hortensio interrogandos daret: qua arte ita est fatigatus Hortensius, ut nihil, contra quod diceret, inveniret: ipse etiam Verres, desperato patrocinio, sua sponte discederet in exilium. Argum. Asconii in Act. 1.

§ In ceteris orationibus defensor futurus, accusationis officium his libris, qui Verrinarum nomine nuncupantur, compensare decrevit; et—in una causa vim hujus artis et eloquentiæ demonstrare. Ascon. Argum. in Lib. et in Verr.

In the first contest with Cæcilius, he estimates the damage of the Sicilians at above eight hundred thousand pounds;* but this was a computation at large, before he was distinctly informed of the facts: for after he had been in Sicily, and seen what the proofs actually amounted to, he charges them at somewhat less than half that sum;† and though the law, in these causes, gave double damages, yet no more seems to have been allowed in this than the single sum; which gave occasion, as Plutarch intimates, to a suspicion of some corruption, or connivance in Cicero, for suffering so great an abatement of the fine: but if there was any abatement at all, it must needs have been made by the consent of all parties, out of regard, perhaps, to Verres' submission, and shortening the trouble of the prosecutors: for it is certain, that, so far from leaving any imputation of that sort upon Cicero, it highly raised the reputation, both of his abilities and integrity, as of one, whom neither money could bribe nor power terrify, from prosecuting a public oppressor; and the Sicilians ever after retained the highest sense of his services; and, on all occasions, testified the utmost zeal for his person and interests.

From the conclusion of these orations, we may observe, that Cicero's vigour in this cause had drawn upon him the envy and ill-will of the nobility: which was so far, however, from moving him, that, in open defiance of it he declares, "that the nobles were natural enemies to the virtue and industry of all new men; and, as if they were of another race and species, could never be reconciled or induced to favour them, by any observance, or good offices whatsoever; that, for his part, therefore, like many others before him, he would pursue his own course, and make his way to the favour of the people, and the honours of the state, by his diligence and

* Quo nomine absite, C. Verres, sestertium millies ex lege repeto. Divin. in Cæcil. 5.

† Dicimus C. Verrem—quadringenties sestertium ex Sicilia contra leges abstulisse. Act. 1. 18.

" faithful services, without regarding the quarrels " to which he might exposé himself.—That if, in " this trial, the judges did not answer the good " opinion which he had conceived of them, he was " resolved to prosecute, not only those who were " actually guilty of corruption; but those too who " were privy to it; and if any should be so auda- " cious as to attempt, by power or artifice, to influ- " ence the bench, and screen the criminal, he would " call him to answer for it before the people, and " shew himself more vigorous in pursuing him, than " he had been even in prosecuting Verres." *

But, before I dismiss the cause of Verres, it will not be improper to add a short account of some of his principal crimes, in order to give the reader a clearer notion of the usual method of governing provinces, and explain the grounds of those frequent impeachments and public trials, which he will meet with in the sequel of this history; for, though few of their governors ever came up to the full measure of Verres' iniquity, yet the greatest part were guilty, in some degree, of every kind of oppression, with which Verres himself was charged. This Cicero frequently intimates in his pleading, and urges the necessity of condemning him for the sake of the example, and to prevent such practices from growing too general to be controlled.†

The accusation was divided into four heads: 1. Of corruption in judging causes; 2. Of extortion in collecting the tithes and revenues of the Republic; 3. Of plundering the subjects of their statues and wrought plate, which was his peculiar taste; 4. Of illegal and tyrannical punishments. I shall give a specimen or two of each from the great number that Cicero has collected, which yet, as he tells us, was

* Proinde siqui sunt, qui in hoc reo aut potentes, aut audaces, aut artifices ad corrumpendum judicium velint esse, ita sint parati, ut disceptante populo Romano mecum sibi rem videant futuram, &c. in Verr. 5. 71.

† Quid igitur dicet? fecisse alios.—Sunt quædam omnino in te singularia—quædam tibi cum multis communia. Ergo omittam tuos peculatus, ut ob jus dicundum pecunias acceptas—quæ forsitan ali! quoque fecerint, &c. In Verr. l. 3. 88.

but a small extract from an infinitely greater, of which Verrès had been actually guilty.

There was not an estate in Sicily, of any considerable value, which had been disposed of by will for twenty years past, where Verres had not his emissaries at work to find some flaw in the title, or some omission in executing the conditions of the testator, as a ground of extorting money from the heir. Dio of Halesa, a man of eminent quality, was in quiet possession of a great inheritance, left to him by the will of a relation, who had enjoined him to erect certain statues in the square of the city, on the penalty of forfeiting the estate to the Erycinian Venus. The statues were erected according to the will; yet Verres, having found some little pretence for cavilling, suborned an obscure Sicilian, one of his own informers, to sue for the estate in the name of Venus; and when the cause was brought before him, forced Dio to compound with him for about nine thousand pounds, and to yield to him also a famous breed of mares, with all the valuable plate and furniture of his house. *

Sopater, an eminent citizen of Haliciæ, had been accused before the late prætor, C. Sacerdos, of a capital crime, of which he was honourably acquitted; but when Verres succeeded to the government, the prosecutors renewed their charge, and brought him to a second trial before their new prætor; to which Sopater, trusting to his innocence, and the judgment of Sacerdos, readily submitted without any apprehension of danger. After one hearing, the cause was adjourned, when Timarchides, the freedman and principal agent of Verres, came to Sopater, and admonished him, as a friend, not to depend too much on the goodness of his cause, and his former absolution, for that his adversaries had resolved to

* Hic est Dio—de quo multis primariis viris testibus satisfactum est, H-S undecies numeratum esse, ut eam causam, in qua ne tenuissima quidem suspicio posset esse, isto cognoscente obtineret: præterea greges nobilissimarum equarum abactos: argenti vestisque stragulæ domi quod fuerit esse direptum. In Verr. l. 2. 7.

offer money to the prætor, who would rather take it for saving, than destroying a criminal, and was unwilling likewise to reverse the judgment of his predecessor. Sopater, surprised at this intimation, and not knowing what answer to make, promised to consider of it; but declared himself unable to advance any large sum. Upon consulting his friends, they all advised him to take the hint, and make up the matter; so that, in a second meeting with Timarchides, after alleging his particular want of money, he compounded the affair for about seven hundred pounds, which he paid down upon the spot.* He now took all his trouble to be over: but, after another hearing, the cause was still adjourned; and Timarchides came again to let him know, that his accusers had offered a much larger sum than what he had given, and advised him, if he was wise, to consider well what he had to do. But Sopater, provoked by a proceeding so impudent, had not the patience even to hear Timarchides, but flatly told him, that they might do what they pleased, for he was determined to give no more. All his friends were of the same mind, imagining, that whatever Verres himself might intend to do, he would not be able to draw the other judges into it, being all men of the first figure in Syracuse, who had judged the same cause already, with the late prætor, and acquitted Sopater. When the third hearing came on, Verres ordered Petilius, a Roman knight, who was one of the bench, to go and hear a private cause, which was appointed for that day, and of which he was likewise the judge. Petilius refused, alleging, that the rest of his assessors would be engaged in the present trial. But Verres declared, that they might all go with him too if they pleased, for he did not desire to detain them; upon which they all presently withdrew, some to sit as judges, and

* Post ad amicos retulit. Qui cum ei fuissent auctores redimendæ salutis, ad Timarchidem venit. Expositis suis difficultatibus, hominem ad H-S LXXX perducit, eamque ei pecuniam numerat. In Verr. l. 2. 28.

some to serve their friends in the other cause. Minucius, Sopater's advocate, seeing the bench thus cleared, took it for granted, that Verres would not proceed in the trial that day, and was going out of the court along with the rest; when Verres called him back, and ordered him to enter upon the defence of his client. "Defend him!" says he, "before whom?" "Before me," replied Verres, "if "you think me worthy to try a paltry Greek and "Sicilian." "I do not dispute your worthiness," says Minucius, "but wish only that your assessors "were present, who are so well acquainted with "the merits of the cause." "Begin, I tell you," says Verres, "for they cannot be present." "No "more can I," replied Minucius; "for Petilius "begged of me also to go, and sit with him upon "the other trial." And when Verres, with many threats, required him to stay, he absolutely refused to act, since the bench was dismissed, and so left the court, together with all the rest of Sopater's friends.—This somewhat discomposed Verres; but after he had been whispered several times by his clerk Timarchides, he commanded Sopater to speak what he had to say in his own defence. Sopater implored him, by all the gods, not to proceed to sentence till the rest of the judges could be present; but Verres called for the witnesses, and, after he had heard one or two of them, in a summary way, without their being interrogated by any one, put an end to the trial, and condemned the criminal.*

Among the various branches of Verres' illegal gains, the sale of offices was a considerable article: for there was not a magistracy of any kind to be disposed of, either by lot or a free vote, which he did not arbitrarily sell to the best bidder. The priesthood of Jupiter, at Syracuse, was of all others the most honourable: the method of electing into it

* Tum repente iste testes citari jubet. Dicit unus et alter breviter. Nihil interrogatur. Præco, dixisse, pronuntiat. Iste—properans de sella exiluit: hominem innocentem, a C. Sacerdote absolutum indicta causa, de sententia scribæ, medici, haruspicisque condemnavit. Ib. 30.

was to chuse three by a general vote out of three several classes of the citizens, whose names were afterwards cast into an urn, and the first of them that was drawn out obtained the priesthood. Verres had sold it to Theomnastus, and procured him to be named in the first instance among the three: but as the remaining part was to be decided by lot, people were in great expectation to see how he would manage that which was not so easily in his power. He commanded, therefore, in the first place, that Theomnastus should be declared priest, without casting lots; but when the Syracusians remonstrated against it, as contrary to their religion, and the law, he called for the law, which ordered, "that "as many lots should be made as there were per- "sons nominated, and that he, whose name came "out the first, should be the priest." He asked them, "How many were nominated?" they answered, "Three:"—"And what more then," says he, "is required by the law, than that three lots "should be cast, and one of them drawn out?" They answered, "Nothing:" upon which he presently ordered three lots, with Theomnastus's name upon every one of them, to be cast into the urn, and so, by drawing out any one, the election was determined in his favour. *

The tenth of the corn of all the conquered towns in Sicily belonged to the Romans, as it had formerly done to their own princes, and was always gathered in kind, and sent to Rome: but as this was not sufficient for the public use, the prætors had an appointment also of money from the treasury, to purchase such farther stores as were necessary for the current year. Now, the manner of collecting and ascertaining the quantity of the tithes, was settled by an old law of king Hiero, the most moderate and equitable of all their ancient tyrants: but Verres, by

* Numquid igitur oportet nisi tres sortes conjici, unam educi? Nihil. Conjici jubet tres, in quibus omnibus scriptum esset nomen Theomnasti. Fit clamor maximus —ita Jovis illud sacerdotium amplissimum per hanc rationem Theomnasto datur. Ib. 51.

a strange sort of edict, ordered that the owner should pay whatever the collector demanded; but if he exacted more than his due, that he should be liable to a fine of eight times the value.* By this edict, he threw the property, as it were, of the island, into the power of his officers, to whom he had farmed out the tithes: who, in virtue of the new law, seized into their hands the whole crop of every town, and obliged the owners to give them whatever share of it, or composition in money, they thought fit; and if any refused, they not only plundered them of all their goods, but even tortured their persons, till they had forced them to a compliance.† By this means, Verres having gathered a sufficient quantity of corn from the very tithes, to supply the full demands of Rome, put the whole money, that he had received from the treasury, into his own pocket;‡ and used to brag, that he had got enough from this single article to screen him from any impeachment: and not without reason, since one of his clerks, who had the management of this corn-money, was proved to have got above ten thousand pounds from the very fees which were allowed for collecting it.§ The poor husbandmen, in the mean time, having no remedy, were forced to run away from their houses, and desert the tillage of the ground; so that, from the registers, which were punctually kept in every town, of all the occupiers of arable lands in the island, it appeared, that, during the three years government of Verres, above two-thirds of the whole number had entirely deserted their farms, and left their lands uncultivated.‖

* Tota Hieronica lege—rejecta et repudiata—edictum, judices, audite præclarum: quantum decumanus edidisset aratorem sibi decumæ dare oportere, ut tantum arator decumano dare cogeretur, &c. In Verr. l. 3. 10.

† Apronius venit, omne instrumentum diripuit, familiam abduxit, pecus abegit—hominem corripi et suspendi jussit in oleastro, &c. Ib. 23.

‡ Jam vero ab isto omnem illam ex ærario pecuniam, quam his oportuit civitatibus pro frumento dari, lucrifactam videtis. Ib. 75, &c.

§ Tu ex pecunia publica H-S tredecies scribam tuum permissu tuo cum abstulisse fateare, reliquam tibi ullam defensionem putas esse? Ib. 80.

‖ Agyrinensis ager—ducentos quinquaginta aratores habuit primo anno Prætura tuæ. Quid tertio anno? Octoginta—hoc peræque in omni agro decumano reperietis. Ib. 51, 52, &c.

Apronius, a man of infamous life and character, was the principal farmer of the tithes: who, when reproached with the cruelty of his exactions, made no scruple to own, that the chief share of the gain was placed to the account of the prætor. These words were charged upon him in the presence of Verres and the magistrates of Syracuse, by one Rubrius, who offered a wager and trial upon the proof of them; but Verres, without shewing any concern or emotion at it, privately took care to hush up the matter, and prevent the dispute from proceeding any farther.*

The same wager was offered a second time, and in the same public manner, by one Scandilius, who loudly demanded judges to decide it: to which Verres, not being able to appease the clamour of the man, was forced to consent, and named them presently, out of his own band, Cornelius his physician, Volusius his soothsayer, and Valerius his crier; to whom he usually referred all disputes, in which he had any interest. Scandilius insisted to have them named out of the magistrates of Sicily, or that the matter should be referred to Rome: but Verres declared, that he would not trust a cause, in which his own reputation was at stake, to any but his own friends; and when Scandilius refused to produce his proofs before such arbitrators, Verres condemned him in the forfeiture of his wager, which was forty pounds, to Apronius.†

C. Heius was the principal citizen of Messana, where he lived very splendidly in the most magni-

* Eorum omnium, qui decumani vocabantur, princeps erat Q. ille Apronius, quem videtis: de cujus improbitate singulari gravissimarum legationum querimonias audistis. Ib. 9.

Cum palam Syracusis, te audiente, maximo conventu, P. Rubrius Q. Apronium sponsione lacessivit, ni Apronius dictitaret, te sibi in decumis esse socium, &c. Ib. 57.

† Hic tu medicum et haruspicem, et præconem tuum recuperatores dabis? [Ib. 60.] Iste viros optimos recuperatores dat eundem illum medicum Cornelium, et haruspicem Volusianum, et Valerium præconem. Ib. 21. it. 11.

Scandilius postulare de conventu recuperatores. Tum iste negat se de existimatione sua cuiquam, nisi suis, commissurum—cogit Scandilium quinque illa millia nummum dare atque adnumerare Apronio. Ib. 60.

ficent house of the city, and used to receive all the Roman magistrates with great hospitality. He had a chapel in his house, built by his ancestors, and furnished with certain images of the gods, of admirable sculpture, and inestimable value. On one side stood a Cupid, of marble, made by Praxiteles: on the other, a Hercules of brass, by Myron; with a little altar before each god, to denote the religion and sanctity of the place. There were likewise two other figures, of brass, of two young women, called Canephoræ, with baskets on their heads, carrying things proper for sacrifice, after the manner of the Athenians—the work of Polycletus. These statues were an ornament not only to Heius, but to Messana itself, being known to every body at Rome, and constantly visited by all strangers, to whom Heius's house was always open. The Cupid had been borrowed by C. Claudius, for the decoration of the Forum in his ædileship, and was carefully sent back to Messana; but Verres, while he was Heius's guest, would never suffer him to rest, till he had stript his chapel of the gods, and the Canephoræ; and, to cover the act from an appearance of robbery, forced Heius to enter them into his accounts, as if they had been sold to him for fifty pounds; whereas, at a public auction in Rome, as Cicero says, they had known one single statue of brass, of a moderate size, sold, a little before, for a thousand.* Verres had seen, likewise, at Heius's house, a suit of curious tapestry, reckoned the best in Sicily, being of the kind which was called attalic, richly interwoven with gold: this he resolved also to extort from Heius, but not till he had secured the statues. As soon, therefore, as he left Messana, he began to urge Heius, by letters, to send him the tapestry to Agrigentum, for some par-

* Erat apud Heium sacrarium magna cum dignitate in ædibus, a majoribus traditum, perantiquum: in quo signa pulcherrima quatuor, summo artificio, summa, nobilitate, &c. [In Verr. l. 4. 2.] C. Claudius, cujus Ædilitatem magnificentissimum scimus fuisse, usus est hoc Cupidine tam diu, dum forum Diis immortalibus, populoque Romano habuit ornatum.—Hæc omnia, quæ dixi, signa ab Heio, de sacrario Verres abstulit, &c. ib. 3. Ita jussisti, opinor, ipsum in tabulas referre. [ib. 6.] In auctione signum æneum non magnum H-S, cxx. millibus venire non vidimus? Ib. 7.

ticular service which he pretended; but, when he had once got it into his hands, he never restored it.† Now Messana, as it is said above, was the only city of Sicily that persevered to the last in the interest of Verres; and, at the time of the trial, sent a public testimonial in his praise, by a deputation of its eminent citizens, of which this very Heius was the chief. Yet, when he came to be interrogated, and cross-examined by Cicero, he frankly declared, that, though he was obliged to perform what the authority of his city had imposed upon him, yet that he had been plundered by Verres of his gods, which were left to him by his ancestors, and which he never would have parted with, on any conditions whatsoever, if it had been in his power to keep them.‡

Verres had in his family two brothers, of Cilicia, the one a painter, the other a sculptor, on whose judgment he chiefly relied, in his choice of pictures and statues, and all other pieces of art.—They had been forced to fly from their country, for robbing a temple of Apollo, and were now employed to hunt out every thing that was curious and valuable in Sicily, whether of public or private property. These brothers having given Verres notice of a large silver ewer, belonging to Pamphilus, of Lilybeum, of most elegant work, made by Boethus,§ Verres immediately sent for it, and seized it to his own use: and, while Pamphilus was sitting pensive at home, lamenting the loss of his rich vessel, the chief ornament of his sideboard, and the pride of his feasts, another messenger came running to him, with orders to bring two silver cups also, which he was known to have, adorned with figures in relief, to be shewn to the prætor. Pamphilus, for fear of greater mischief, took up his cups,

† Quid? illa Attalica, tota Sicilia nominata, ab eodem Heio peripetasmata emere oblitus es?—At quomodo abstulit? &c. Ib. 12.

‡ Quid enim poterat Heius respondere?——Primo dixit, se illum publice laudare, quod sibi ita mandatum esset: deinde neque se illa habuisse venalia, neque ulla conditione, si utrum vellet liceret, adduci unquam potuisse ut venderet illa, &c. In Verr. 4. 7.

§ A celebrated Carthaginian sculptor, who left many famous works behind him. Vid. Plin. Hist. Nat. lib. 33. 12. it. lib. 34. 8.

and carried them away himself: when he came to the palace, Verres happened to be asleep, but the brothers were walking in the hall, and waiting to receive him; who, as soon as they saw him, asked for the cups, which he accordingly produced. They commended the work; whilst he, with a sorrowful face, began to complain, that if they took his cups from him, he should have nothing, of any value, left in his house. The brothers, seeing his concern, asked how much he would give to preserve them; in a word, they demanded forty crowns; he offered twenty: but while they were debating, Verres awaked, and called for the cups; which being presently shewn to him, the brothers took occasion to observe, that they did not answer to the account that had been given of them, and were but of paltry work, not fit to be seen among his plate: to whose authority Verres readily submitted, and so Pamphilus saved his cups.†

In the city of Tindaris there was a celebrated image of Mercury, which had been restored to them from Carthage by Scipio, and was worshipped by the people with singular devotion, and an annual festival. This statue Verres resolved to have, and commanded the chief magistrate, Sopater, to see it taken down, and conveyed to Messana. But the people were so inflamed and mutinous upon it, that Verres did not persist in his demand at that time; but, when he was leaving the place, renewed his orders to Sopater, with severe threats, to see his command executed. Sopater proposed the matter to the senate, who universally protested against it: in short, Verres returned to the town, and enquired for the statue; but was told, by Sopater, that the senate would not suffer it to be taken down, and had made

† Cybiratæ sunt fratres—quorum alterum fingere opinor e cera solitum esse, alterum esse pictorem.—Canes venaticos diceres, ita odorabantur omnia et pervestigabant. In Verr. 4. 13.

Memini Pamphilum Lilybœtanum—mihi narrare, cum iste ab sese hydriam Boethi manu factam, præclaro opere et grandi pondere per potestatem abstulisset; se sane tristem et conturbatum domum revertisse, &c. Ib. 14.

it capital for any one to meddle with it without their orders. "Do not tell me," says Verres, "of your "senate, and your orders; if you do not presently "deliver the statue, you shall be scourged to death "with rods." Sopater, with tears, moved the affair again to the senate, and related the prætor's threats; but in vain; they broke up in disorder, without giving any answer. This was reported by Sopater to Verres, who was sitting in his tribunal: it was the midst of winter, the weather extremely cold, and it rained very heavily, when Verres ordered Sopater to be stripped, and carried into the market-place, and there to be tied upon an equestrian statue of C. Marcellus, and exposed, naked as he was, to the rain and the cold, and stretched, in a kind of torture, upon the brazen horse; where he must necessarily have perished, if the people of the town, out of compassion to him, had not forced their senate to grant the Mercury to Verres.‡

Young Antiochus, king of Syria, having been at Rome, to claim the kingdom of Egypt, in right of his mother, passed through Sicily, at this time, on his return home, and came to Syracuse; where Verres, who knew that he had a great treasure with him, received him with a particular civility; made him large presents of wine, and all refreshments for his table, and entertained him most magnificently at supper. The king, pleased with this compliment, invited Verres, in his turn, to sup with him, when his sideboard was dressed out in a royal manner, with his richest plate, and many vessels of solid gold, set with precious stones, among which there was a large jug of wine, made out of an entire gem, with a handle of gold to it. Verres greedily surveyed and admired

‡ Tum iste: Quam mihi religionem narras? quam pœnam? quem senatum? Vivum te non relinquam: moriere virgis, nisi signum traditur—Erat hiems summa, tempestas, ut ipsum Sopatrum dicere audistis, perfrigida; imber maximus, cum ipse imperat lictoribus, ut Sopatrum—præcipitem in Forum dejiciant, nudumque constituant—cum esset vinctus nudus in ære, in imbri, in frigore. Neque tamen finis huic injuriæ crudelitatique fiebat, donec populus atque universa multitudo, atrocitate rei commota, senatum clamore coegit, ut ei simulacrum illud Mercurii polliceretur. Ib. 39, 40.

every piece, and the king rejoiced to see the Roman prætor so well satisfied with his entertainment. The next morning, Verres sent to the king, to borrow some of his choicest vessels, and, particularly the jug, for the sake of shewing them, as he pretended, to his own workmen; all which the king, having no suspicion of him, readily sent. But, besides these vessels of domestic use, the king had brought with him a large candlestick, or branch for several lights, of inestimable value, all made of precious stones, and adorned with the richest jewels, which he had designed for an offering to Jupiter Capitolinus; but, finding the repairs of the Capitol not finished, and no place yet ready for the reception of his offering, he resolved to carry it back, without shewing it to any body, that the beauty of it might be new, and the more surprising, when it came to be first seen in that temple. Verres, having got intelligence of this candlestick, sent again to the king, to beg, by all means, that he would favour him with a sight of it, promising, that he would not suffer any one else to see it. The king sent it presently by his servants, who, after they had uncovered, and shewn it to Verres, expected to carry it back with them to the king; but Verres declared, that he could not sufficiently admire the beauty of the work, and must have more time to contemplate it; and obliged them, therefore, to go away, and leave it with him. Several days passed, and the king heard nothing from Verres; so that he thought proper to remind him, by a civil message, of sending back the vessels: but Verres ordered the servants to call again some other time. In short, after a second message, with no better success, the king was forced to speak to Verres himself: upon which Verres earnestly entreated him to make him a present of the candlestick. The king affirmed it to be impossible, on the account of his vow to Jupiter, to which many nations were witnesses. Verres then began to drop some threats; but, finding them of no more effect than his entreaties,

he commanded the king to depart, instantly, out of his province, declaring, that he had received intelligence of certain pirates, who were coming, from his kingdom, to invade Sicily. The poor king, finding himself thus abused, and robbed of his treasure, went into the great square of the city, and, in a public assembly of the people, calling upon the gods and men to bear testimony to the injury, made a solemn dedication to Jupiter of the candlestick, which he had vowed and designed for the Capitol, and which Verres had, forcibly, taken from him.*

When any vessel, richly laden, happened to arrive in the ports of Sicily, it was generally seized by his spies and informers, on pretence of its coming from Spain, and being filled with Sertorius's soldiers: and, when the commanders exhibited their bills of lading, with a sample of their goods, to prove themselves to be fair traders, who came from different quarters of the world, some producing Tyrian purple, others Arabian spices, some jewels and precious stones, others Greek wines and Asiatic slaves; the very proof, by which they hoped to save themselves, was their certain ruin: Verres declared their goods to have been acquired by piracy, and, seizing the ships, with their cargoes, to his own use, committed the whole crew to prison, though the greatest part of them, perhaps, were Roman citizens. There was a famous dungeon in Syracuse, called the Latomiæ, of a vast and horrible depth, dug out of a solid rock, which, having originally been a quarry of stone, was converted to a prison by Dionysius, the tyrant. Here Verres kept great numbers of Roman citizens in chains, whom he had first injured to a degree that made it necessary to destroy them; whence few or none ever saw the light again, but were commonly strangled by his orders.†

* Rex maximo conventu Syracusis in foro—flens, ac Deos hominesque contestans clamare cœpit, candelabrum factum e gemmis, quod in Capitolium missurus esset—id sibi C. Verrem abstulisse.—Id etsi antea jam mente et cogitatione sua consecratum esset, tamen tum se in illo conventu civium Romanorum dare, donare, dicare, consecrare Jovi Opt. Max. &c. Ib 28, 29.

† Quæcunque navis ex Asia—venerat, statim certis indicibus et custodibus tene-

One Gavius, however, a Roman citizen of the town of Cosa, happened to escape from this dreadful place, and run away to Messana; where, fancying himself out of danger, and being ready to embark for Italy, he began to talk of the injuries which he had received, and of going straight to Rome, where Verres should be sure to hear of him. But he might as well have said the words in the prætor's palace, as at Messana; for he was presently seized, and secured till Verres' arrival, who, coming thither soon after, condemned him as a spy of the fugitives, first to be scourged in the market-place, and then nailed to a cross, erected for the purpose, on a conspicuous part of the shore, and looking towards Italy, that the poor wretch might have the additional misery of suffering that cruel death in sight, as it were, of his home.*

The coasts of Sicily being much infested by pirates, it was the custom of all prætors to fit out a fleet every year, for the protection of its trade and navigation. This fleet was provided by a contribution of the maritime towns, each of which usually furnished a ship with a certain number of men and provisions: but Verres, for a valuable consideration, sometimes remitted the ship, and always discharged as many of the men as were able to pay for it. A fleet, however, was equipped, of seven ships; but for show rather than service, without their complement, either of men or stores, and wholly unfit to act against an enemy; and the command of it was given by him, not to his quæstor, or one of his lieutenants, as it was usual, but to Cleomenes, a Syracu-

batur: vectores omnes in Latomias conjiciebantur: onera atque merces in prætoriam domum deferebantur—eos Sertorianos milites esse, atque a Dianio fugere dicebat, &c. In Verr. l. 5. 56.

Latomias Syracusanas omnes audistis. Opus est ingens magnificum regum ac tyrannorum. Totum est ex saxo mirandam in altitudinem depresso—nihil tam clausum ad exitus, nihil tam tutum ad custodias, nec fieri nec cogitari potest. [Ib. 27.] Carcer ille, qui est a crudelissimo tyranno Dionysio factus, quæ Latomiæ vocantur, in istius imperio domicilium civium Romanorum fuit. Ib. 55.

* Gavius hic, quem dico, Cosanus, cum in illo numero civium ab isto in vincla conjectus esset, et nescio qua ratione clam e Latomiis profugisset—loqui Messanæ cœpit, et queri, se civem Romanum in vincla conjectum, sibi recta iter esse Romam, Verri se præsto advenienti futurum, &c. Ib. 61.

sian, whose wife was his mistress, that he might enjoy her company the more freely at home, while her husband was employed abroad. For, instead of spending the summer, as other governors used to do, in a progress through his province, he quitted the palace of Syracuse, and retired to a little island adjoining to the city, to lodge in tents, or rich pavilions, pitched close by the fountain of Arethusa; where, forbidding the approach of men, or business to disturb him, he passed two of the hot months in the company of his favourite women, and all the delicacy of pleasure that art and luxury could invent.*

The fleet, in the mean time, sailed out of Syracuse, in great pomp, and saluted Verres and his company as it passed; when the Roman prætor, says Cicero, who had not been seen before for many days, shewed himself at last to the sailors, standing on the shore in slippers, with a purple cloak and vest flowing down to his heels, and leaning on the shoulder of a girl, to view this formidable squadron:† which, instead of scouring the seas, sailed no farther, after several days, than into the port of Pachynus. Here, as they lay peaceably at anchor, they were surprised with an account of a number of pirate frigates, lying in another harbour very near to them: upon which the admiral Cleomenes cut his cables in a great fright, and with all the sail that he could make, fled away towards Pelorus, and escaped to land: the rest of the ships followed him as fast as they could; but

* Erat et Nice, facie eximia, uxor Cleomenis Syracusani—iste autem cum vir esset Syracusis, uxorem ejus parum poterat animo soluto ac libero tot in actâ dies secum habere. Itaque excogitat rem singularem. Naves, quibus legatus præfuerat, Cleomeni, tradit. Classi populi Romani Cleomenem Syracusanum præesse jubet. Hoc eo facit, ut non solum ille abesset a domo—Nam æstate summa, quo tempore ceteri prætores obire provinciam, et concursare consueverunt—eo tempore ad luxuriem, libidinesque suas—tabernacula—carbaseis intenta velis collocari jussit in littore, &c. In Verr. 5. 31.

† Ipse autem, qui visus multis diebus non esset, tum se tamen in conspectum nautis paullisper dedit. Stetit soleatus prætor populi Romani cum pallio purpureo, tunicaque talari, muliercula nixus in littore. Ib. 33.

Quintilian greatly admires this short description, as placing the very scene and fact before our eyes, and suggesting still much more than is expressed by it; [l. 8. 3.] but the concise elegance and expressive brevity, in which its beauty consists, cannot possibly be preserved in a translation.

two of them, which sailed the slowest, were taken by the pirates, and one of the captains killed; the other captains quitted their ships, as Cleomenes had done, and got safe to land. The pirates, finding the ships deserted, set fire to them all that evening, and the next day sailed boldly into the port of Syracuse, which reached into the very heart of the town; where, after they had satisfied their curiosity, and filled the city with a general terror, they sailed out again at leisure, and in good order, in a kind of triumph over Verres, and the authority of Rome.*

The news of a Roman fleet burnt, and Syracuse insulted by pirates, made a great noise through all Sicily. The captains, in excuse of themselves, were forced to tell the truth; that their ships were scandalously unprovided both with men and stores, and in no condition to face an enemy; each of them relating how many of their sailors had been discharged by Verres' particular orders, on whom the whole blame was justly laid. When this came to his ears, he sent for the captains, and after threatening them very severely for talking in that manner, forced them to declare, and to testify it also in writing, that every one of their ships had its full complement of all things necessary: but finding, after all, that there was no way of stifling the clamour, and that it would necessarily reach Rome, he resolved, for the extenuation of his own crime, to sacrifice the poor captains, and put them all to death, except the admiral Cleomenes, the most criminal of them all, and, at his request, the commander also of his ship. In consequence of this resolution, the four remaining captains, after fourteen days from the action, when they suspected no danger, were arrested and clapt into irons. They were all young men, of the principal families of Sicily, some of them the only sons of aged parents, who came presently, in great consternation, to Syracuse, to solicit the prætor for their pardon. But

* Tunc Prædonum dux Heracleo repente præter spem, non sua virtute—victor, classem pulcherrimam populi Romani in littus expulsam et ejectam, cum primum advesperasceret, inflammari incendique jussit, &c. Ib. 35, 36.

Verres was inexorable; and having thrown them into his dungeon, where nobody was suffered to speak with them, condemned them to lose their heads; whilst all the service that their unhappy parents could do for them, was to bribe the executioner to dispatch them with one stroke, instead of more, which he brutally refused to do, unless he was paid for it, and to purchase of Timarchides, the liberty of giving them burial.*

It happened, however, before this loss of the fleet, that a single pirate ship was taken by Verres' lieutenants, and brought into Syracuse; which proved to be a very rich prize, and had on board a great number of handsome young fellows. There was a band of musicians among them, whom Verres sent away to Rome a present to a friend; and the rest, who had either youth or beauty, or skill in any art, were distributed to his clerks and dependents, to be kept for his use; but the few who were old and deformed, were committed to the dungeon and reserved for punishment.† The captain of these pirates had long been a terror to the Sicilians: so that they were all eager to see his person, and to feed their eyes with his execution: but, being rich, he found means to redeem his head, and was carefully kept out of sight, and conveyed to some private custody, till Verres could make the best market of him. The people, in the mean time, grew impatient and clamorous for the death of the pirates, whom all other prætors used to execute as soon as taken; and knowing the number of them to be great, could not be satisfied with the few old and decrepit, whom

* Cleomenem et navarchos ad se vocari jubet; accusat eos, quod hujusmodi de se sermones habuerint: rogat ut id facere desistant, et in sua quisque navi dicat se tantam habuisse nautarum, quantum oportuerit—Illi se ostendunt quod vellet esse facturos—Iste in tabulas refert; obsignat signis amicorum—Iste hominibus miseris innocentibusque injici catenas jubet—Veniunt Syracusas parentes propinquique miserorum adolescentium, &c. In Verr. 5, 39, 40, &c.

† Erat ea navis plena juventutis formosissimæ, plena argenti facti atque signati, multa cum stragula veste—siqui senes aut deformes erant, eos in hostium numero ducit: qui aliquid formæ, ætatis, artificiique habebant, abducit omnes, nonnullos scribis suis, filio, cohortique distribuit. Symphoniacos homines sex cuidam amico suo Romam muneri misit, &c. Ib. 25, &c.

Verres willingly sacrificed to their resentment. He took this opportunity therefore to clear the dungeon of those Roman citizens, whom he had reserved for such an occasion, and now brought out to execution as a part of the piratical crew: but to prevent the imprecations and cries, which citizens used to make of their being free Romans, and to hinder their being known also to any other citizens there present, he produced them all with their heads and faces so muffled up, that they could neither be heard nor seen, and in that cruel manner destroyed great numbers of innocent men.* But to finish at last this whole story of Verres: After he had lived many years in a miserable exile, forgotten and deserted by all his friends, he is said to have been relieved by the generosity of Cicero;† yet was proscribed and murdered after all by Marc Antony, for the sake of his fine statues and Corinthian vessels, which he refused to part with:‡ "happy only," as Lactantius says, "before his death, to have seen the more de-"plorable end of his old enemy and accuser, Cicero."‖

But neither the condemnation of this criminal, nor the concessions already made by the senate, were able to pacify the discontents of the people: they demanded still, as loudly as ever, the restoration of the tribunician power, and the right of judicature to the equestrian order; till, after various contests and tumults, excited annually on that account by the tribunes, they were gratified this year in them both; in the first by Pompey the consul, in the second by L. Cotta, the prætor.§ The tribunes were strenuously assisted in all this struggle

* Archipiratam ipsum vidit nemo—cum omnes, ut mos est, concurrerent, quærerent, videre cuperent, &c. [ib. 26.] Cum maximus numerus deesset, tum iste in eorum locum, quos domum suam de piratis abduxerat, substituere cœpit cives Romanos, quos in carcerem antea conjecerat—Itaque alii cives Romani ne cognoscerentur, capitibus obvolutis e carcere ad palum atque necem rapiebantur, &c. Ib. 28, &c.
Quid de multitudine dicemus eorum, qui capitibus involutis in piratarum captivorumque numero producebantur, ut securi ferirentur. Ib. 60.

† Senec. l. 6. Suasor. 6.

‡ Plin. Hist. N. l. 34. 2. ‖ Lactan. 2. 4.

§ Hoc consulatu Pompeius tribuniciam potestatem restituit cujus imaginem Sylla sine re reliquerat. Vell. Pat. 2. 30.

by J. Cæsar,* and as strenuously opposed by all who wished well to the tranquillity of the city; for long experience had shewn, that they had always been, not only the chief disturbers of the public peace, by the abuse of their extravagant power, but the constant tools of all the ambitious, who had any designs of advancing themselves above the laws:† for, by corrupting one or more of the tribunes, which they were sure to effect by paying their full price, they could either obtain from the people whatever they wanted, or obstruct at least whatever should be attempted against them: so that this act was generally disliked by the better sort, and gave a suspicion of no good intentions in Pompey; who, to remove all jealousies against him, on this, or any other account, voluntarily took an oath, that, on the expiration of his consulship, he would accept no public command or government, but content himself with the condition of a private senator.‡

Plutarch speaks of this act, as the effect of Pompey's gratitude to the people, for the extraordinary honours which they had heaped upon him; but Cicero makes the best excuse for it, after Pompey's death, which the thing itself would bear, by observing, that a statesman must always consider not only what is best, but what is necessary to the times; that Pompey well knew the impatience of the people; and that they would not bear the loss of the tribunician power much longer; and it was the part, therefore, of a good citizen, not to leave to a bad one, the credit of doing what was too popular to be withstood.§ But whatever were Pompey's views, in the restitution of this power, whether he wanted the skill or the inclination to apply it to any bad purpose, it is certain, that he had cause to repent of it afterwards, when Cæsar, who had a better

* Auctores restituendæ tribuniciæ potestatis enixissime juvit. Sueton. J. Cæs. 5.
† De Leg. 3. 9.
‡ Qui cum consul laudabiliter jurasset, se in nullam provinciam ex eo magistratu iturum. Vell. Pat. 2. 31.
§ De Leg. 3. 11.

head, with a worse heart, took the advantage of it, to his ruin; and, by the help of the tribunes, was supplied both with the power and the pretext for overturning the Republic.*

As to the other dispute, about restoring the right of judging to the knights, it was thought the best way of correcting the insolence of the nobles, to subject them to the judicature of an inferior order, who, from a natural jealousy and envy towards them, would be sure to punish their oppressions with proper severity. It was ended, however, at last, by a compromise, and a new law was prepared, by common consent, to vest this power jointly in the senators and the knights; from each of which orders a certain number was to be drawn annually, by lot, to sit in judgment, together with the prætor, upon all causes.†

But, for the more effectual cure of that general licence, and corruption of morals, which had infected all orders, another remedy was also provided this year, an election of censors: it ought regularly to have been made every five years, but had now been intermitted, from the time of Sylla, for about seventeen. These censors were the guardians of the discipline and manners of the city, ‡ and had a power to punish vice and immorality, by some mark of infamy, in all ranks of men, from the highest to the lowest. The persons now chosen were, L. Gellius and Cn. Lentulus; both of them mentioned by Cicero as his particular acquaintance, and the last, as his intimate friend. § Their authority, after so long an intermission, was exercised with that severity which the libertinism of the times required; for they expelled above sixty-four from the senate,

* Ὅτε δὴ καὶ μάλιστα τῷ Πομπηίῳ μετεμέλησε τὴν δημαρχίαν—ἀναγαγόντι αὖθις ἐπὶ τὸ ἀξίωμα. Appian. 2. p. 445.

† Per idem tempus Cotta judicandi munus, quod C. Gracchus ereptum Senatui, ad Equites, Sylla ab illis ad Senatum transtulerat, æqualiter inter utrumque ordinem partitus est. Vell. Pat. 2. 32.

‡ Tu es præfectus moribus, magister veteris disciplinæ ac severitatis. Pro Cluen. 46.

§ Nam mihi—cum ambobus est amicitia: cum altero vero—magnus usus et summa necessitudo. Pro Cluen. 42.

for notorious immoralities, the greatest part for the detestable practice of taking money for judging causes,* and, among them, C. Antonius, the uncle of the triumvir; subscribing their reasons for it, that he had plundered the allies, declined a trial, mortgaged his lands, and was not master of his estate: † yet this very Antonius was elected ædile and prætor, soon after, in his proper course, and, within six years, advanced to the consulship: which confirms what Cicero says of this censorian animadversion, that it was become merely nominal, and had no other effect than of putting a man to the blush. ‡

From the impeachment of Verres, Cicero entered upon the ædileship, and, in one of his speeches, gives us a short account of the duty of it: "I am now "chosen ædile," says he, "and am sensible of what is "committed to me by the Roman people: I am to ex- "hibit, with the greatest solemnity, the most sacred "sports to Ceres, Liber, and Libera; am to appease "and conciliate the mother Flora to the people and "city of Rome, by the celebration of the public games; "am to furnish out those ancient shows, the first which "were called Roman, with all possible dignity and "religion, in honour of Jupiter, Juno, Minerva; am "to take care, also, of all the sacred edifices, and, "indeed, of the whole city," &c. § The people were passionately fond of all these games and diversions; and the public allowance for them being but small, according to the frugality of the old Republic, the ædiles supplied the rest at their own cost, and were often ruined by it. For every part of the empire was ransacked for what was rare and curious, to adorn the splendour of their shows: the Forum, in

* Quos autem duo Censores, clarissimi viri furti et captarum pecuniarum nomine notaverunt; ii non modo in Senatum redierunt, sed etiam illarum ipsarum rerum judiciis absoluti sunt. Ib. Vid. Pigh. Annal. ad A. U. 683.

† Asconius in Orat. in Tog. cand.

‡ Censoris judicium nihil fere damnato affert præter ruborem. Itaque quod omnis ea judicatio versatur tantummodo in nomine, animadversio illa ignominia dicta est. Fragment. e lib. 4. de Repub. ex Nonio.

§ In Verr. 5. 14.

which they were exhibited, was usually beautified with porticos, built for the purpose, and filled with the choicest statues and pictures which Rome and Italy afforded. Cicero reproaches Appius for draining Greece, and the islands, of all their furniture, of this kind, for the ornament of his ædileship:* and Verres is said to have supplied his friends, Hortensius and Metellus, with all the fine statues of which he had plundered the provinces.†

Several of the greatest men of Cicero's time had distinguished themselves by an extraordinary expense and magnificence in this magistracy; Lulus, Scaurus, Lentulus, Hortensius,‡ and C. Antonius, who, though expelled so lately from the senate, entertained the city, this year, with stage-plays, whose scenes were covered with silver; in which he was followed, afterwards, by Muræna:§ yet J. Cæsar outdid them all; and, in the sports exhibited for his father's funeral, made the whole furniture of the theatre of solid silver, so that wild beasts were then first seen to tread on that metal:‖ but the excess of his expense was but in proportion to the excess of his ambition; for the rest were only purchasing the consulship; he the empire.—Cicero took the middle way, and observed the rule, which he prescribed afterwards to his son, of an expense agreeable to his circumstances;¶ so as neither to hurt his character, by a sordid illiberality, nor his fortunes, by a vain ostentation of magnificence; since the one, by making a man odious, deprives him of

* Omnia signa, tabulas, ornamentorum quod superfuit in fanis et communibus locis, tota e Græcia atque Insulis omnibus, honoris populi Rom. causa—deportavit. Pro Dom. ad Pont. 43.

† Asconius.

‡ De Offic. 2. 16.

§ Ego qui trinos ludos Ædilis feceram, tamen Antonii ludis commovebar. Tibi, qui casu nullos feceras, nihil hujus istam ipsam, quam tu irrides, argenteam scenam adversatam putas? Pro Muræn. 20.

Mox, quod etiam in municipiis imitantur, C. Antonius ludos scena argentea fecit: item L. Muræna. Plin. Hist. N. 33. 3.

‖ Cæsar, qui postea Dictator fuit, primus in Ædilitate, munere patris funebri, omni apparatu arenæ argenteo usus est ferasque argenteis vasis insedere tum primùm visum. Ib.

¶ Quare si postulatur a populo——faciendum est, modo pro facultatibus: nos ipsi ut fecimus. De Offic. 2. 17.

the power of doing good; the other, by making him necessitous, puts him under the temptation of doing ill: thus Mamercus, by declining the ædileship, through frugality, lost the consulship:* and Cæsar, by his prodigality, was forced to repair his own ruin, by ruining the Republic.

But Cicero's popularity was built on a more solid foundation, the affection of his citizens, from a sense of his merit and services; yet, in compliance with the custom and humour of the city, he furnished the three solemn shows above-mentioned, to the entire satisfaction of the people: an expense which he calls little, in respect to the great honours which he had received from them.† The Sicilians, during his ædileship, gave him effectual proofs of their gratitude, by supplying him largely with all manner of provisions, which their island afforded, for the use of his table and the public feasts, which he was obliged to provide in this magistracy: but, instead of making any private advantage of their liberality, he applied the whole to the benefit of the poor; and, by the help of this extraordinary supply, contrived to reduce the price of victuals in the markets.‡

Hortensius was one of the consuls of this year; which produced nothing memorable, but the dedication of the Capitol, by Q. Lutatius Catulus. It had been burnt down in Sylla's time, who undertook the care of rebuilding it, but did not live to see it finished, which he lamented in his last illness, as the only thing wanting to complete his felicity.§ By his death, that charge fell to Catulus, as being consul at the time, who dedicated it this summer with great pomp and solemnity, and had the honour to have his name inscribed on the front.‖

* De Offic. 2. 17.

† Nam pro amplitudine honorum, quos cunctis suffragiis adepti sumus—sane exiguus sumtus Ædilitatis fuit. Ib.

‡ Plut in Cic.

§ Hoc tamen felicitati suæ defuisse confessus est, quod Capitolium non dedicavisset. Plin. Hist. N. 7. 43.

Curam victor Sylla suscepit, neque tamen dedicavit: hoc unum felicitati negatum. Tacit. Hist. 3. 72.

‖ The following inscription was found in the ruins of the Capitol, and is supposed

On the occasion of this festival, he is said to have introduced some instances of luxury, not known before in Rome, of covering the area, in which the people sat, with a purple veil, imitating the colour of the sky, and defending from the injuries of it; and of gilding the tiles of this noble fabric, which were made of copper: for though the ceilings of temples had before been sometimes gilt, yet this was the first use of gold on the outside of any building.* Thus the Capitol, like all ancient structures, rose the more beautiful from its ruins; which gave Cicero an opportunity of paying a particular compliment to Catulus, in Verres's trial, where he was one of the judges: for Verres, having intercepted, as it is said above, the rich candlestick of king Antiochus, which was designed for the Capitol, Cicero, after he had charged him with it, takes occasion to say, "I address myself here to you, Catulus, for I am speaking of your noble and beautiful monument: it is your part to shew, not only the severity of a judge, but the animosity of an accuser. Your honour is united with that of this temple; and by the favour of the senate, and people of Rome, your name is consecrated with it to all posterity; it must be your care, therefore, that the Capitol, as it is now restored more splendidly, may be furnished also

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by some to be the very original which Catulus put up; where it remained, as Tacitus says, to the time of Vitellius. Tacit. Hist. 3. 72.

Q. LVTATIVS Q. F.
Q. N. CATVLVS. COS.
SVBSTRVCTIONEM. ET
TABVLARIVM. EX S. C.
FACIVNDVM. CVRAV.

* Quod primus omnium invenit Q. Catulus, cum Capitolium dedicaret. Plin. 19. 1. Cum sua ætas varie de Catulo existimaverit, quod tegulas æreas Capitolii inaurasset primus. Ib. 33. 3. Though Pliny calls Catulus the first inventor of these purple veils, yet Lucretius, who, as some think, died in this year, or, as others more probably, about sixteen years after, speaks of them as of common use in all the theatres.

Carbasus ut quondam magnis intenta theatris.—Lib. 6. 108.
Et vulgo faciunt id lutea, russaque vela,
Et ferrugina, cum magnis intenta theatris,
Per malos volgata, trabesque trementia flutant.—Lib. 4. 73.

J. Cæsar covered the whole Forum with them, and the later emperors, the amphitheatres, in all their shows of gladiators and other sports. Dio. l. 43.

" more richly than it was before; as if the fire had " been sent on purpose from Heaven, not to destroy " the temple of Jupiter, but to require from us one " more shining and magnificent than the former."*

In this year Cicero is supposed to have defended Fonteius and Cæcina. Fonteius had been prætor of the Narbonese Gaul, for three years, and was afterwards accused, by the people of the province, and one of their princes, Induciomarus, of great oppression, and exactions, in his government, and, especially, of imposing an arbitrary tax on the exportation of their wines. There were two hearings in the cause, yet but one speech of Cicero's remaining, and that so imperfect, that we can hardly form a judgment either of the merit, or the issue of it. Cicero allows the charge of the wines to be a heavy one, if true;† and, by his method of defence, one would suspect it to be so, since his pains are chiefly employed in exciting an aversion to the accusers, and a compassion to the criminal. For, to destroy the credit of the witnesses, he represents the whole nation as a drunken, impious, faithless people; natural enemies to all religion, without any notion of the sanctity of an oath, and polluting the altars of their gods with human sacrifices. " And what " faith, what piety," says he, " can you imagine to be " in those, who think that the gods are to be ap- " peased by cruelty and human blood?"‡ And, to raise, at last, the pity of the judges, he urges, in a pathetic peroration, the intercession, and tears, of Fonteius's sister, one of the vestal virgins, who was then present; opposing the piety and prayers of this holy suppliant, to the barbarity and perjuries of the impious Gauls; and admonishing the bench, of the danger and arrogance of slighting the suit of one, whose petitions, if the gods should reject, they themselves must be all undone,§ &c.

The cause of Cæcina was about the right of succession to a private estate, which depended on a

* In Verr. 4. 51. † Pro Fonteio, 5. ‡ Ib. 10. § Ib. 17.

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subtle point of law,* arising from the interpretation of the prætor's interdict: it shews, however, his exact knowledge and skill in the civil law, and that his public character and employment gave no interruption to his usual diligence in pleading causes.

After the expiration of his ædileship, he lost his cousin Lucius Cicero, the late companion of his journey to Sicily; whose death he laments, with all the marks of a tender affection, in the following letter to Atticus.

"You, who of all men know me the best, will "easily conceive how much I have been afflicted, "and what a loss I have sustained, both in my pub- "lic and domestic life: for in him I had every thing "which could be agreeable to a man, from the oblig- "ing temper and behaviour of another. I make no "doubt, therefore, but that you also are affected "with it, not only for the share which you bear in "my grief, but for your own loss of a relation and a "friend; accomplished with every virtue; who loved "you, as well from his own inclination, as from "what he used to hear of you, from me,"† &c.

What made his kinsman's death the more unlucky to him at this juncture, was the want of his help, in making interest for the prætorship, for which he now offered himself a candidate, after the usual interval of two years,‡ from the time of his being chosen ædile: but the city was in such a ferment all the summer, that there was like to be no election at all: the occasion of it arose from the publication of some new laws, which were utterly disliked, and fiercely opposed by the senate. The first of them was proposed in favour of Pompey, by A. Gabinius, one of the tribunes, as a testimony of their gratitude, and the first fruits, as it were, of that power which he had restored to them. It was to grant him an

* Tota mihi causa pro Cæcina, de verbis interdicti fuit: res involutas definiendo explicavimus. Orat. 29.

† Ad Att. 1. 5.

‡ Ut si Ædilis fuisses, post biennium tuus annus esset. Ep. fam. 10. 25.

extraordinary commission for quelling the pirates, who infested the coasts and navigation of the Mediterranean, to the disgrace of the empire, and the ruin of all commerce;* by which an absolute command was conferred upon him through all the provinces bordering on that sea, as far as fifty miles within land. These pirates were grown so strong, and so audacious, that they had taken several Roman magistrates and ambassadors prisoners, made some successful descents on Italy itself, and burnt the navy of Rome, in the very port of Ostia.† Yet the grant of a power so exorbitant, and unknown to the laws, was strenuously opposed by Catulus, Hortensius, and all the other chiefs of the senate, as dangerous to the public liberty, nor fit to be entrusted to any single person: they alleged, that these unusual grants were the cause of all the misery that the Republic had suffered, from the proscriptions of Marius and Sylla, who, by a perpetual succession of extraordinary commands, were made too great to be controlled by the authority of the laws; that though the same abuse of power was not to be apprehended from Pompey, yet the thing itself was pernicious, and contrary to the constitution of Rome; that the equality of a democracy required, that the public honours should be shared alike, by all who were worthy of them; that there was no other way to make men worthy, and to furnish the city with a number and choice of experienced commanders: and if, as it was said by some, there were really none, at that time, fit to command, but Pompey, the true reason was, because they would suffer none to command but Pompey.‡ All the friends of Lucul-

* Quis navigavit, qui non se aut mortis aut servitutis periculo committeret, cum aut hieme aut referto prædonum mari navigaret? Pro leg. Manil. 11.

† Qui ad vos ab exteris nationibus venirent, querar, cum legati populi Romani redempti sint? Mercatoribus tutum mare non fuisse dicam, cum duodecim secures in potestatem prædonum pervenerint?—Quid ego Ostiense incommodum, atque illam labem et ignominiam Reipub. querar, cum prope inspectantibus vobis, classis ea cui Consul populi Romani præpositus esset, a prædonibus capta atque oppressa est? Ib. 12.

‡ Dio. l. 36. p. 15.

lus were particularly active in the opposition; apprehending, that this new commission would encroach upon his province and command in the Mithridatic war: so that Gabinius, to turn the popular clamour on that side, got a plan of the magnificent palace, which Lucullus was building, painted upon a banner, and carried about the streets by his mob; to intimate, that he was making all that expense out of the spoils of the Republic.*

Catulus, in speaking to the people against this law, demanded of them, if every thing must needs be committed to Pompey, what they would do if any accident should befal him? Upon which, as Cicero says, he reaped the just fruit of his virtue, when they all cried out, with one voice, that their dependence would then be upon him.† Pompey, himself, who was naturally a great dissembler, affected, not only an indifference, but a dislike to the employment, and begged of the people to confer it on somebody else; and, after all the fatigues, which he had undergone in their service, to give him leave to retire to the care of his domestic affairs, and spare him the trouble and odium of so invidious a commission.‡ But this seeming self-denial gave a handle only to his friends to extol his modesty and integrity the more effectually; and, since there had been a precedent for the law, a few years before, in favour of a man, much inferior, both in merit and interest, M. Antonius,§ it was carried against the united authority of all the magistrates, but with the general inclination of the people: when, from the greatest scarcity of provisions which had been known for a long time in Rome, the credit of Pompey's name

* Tugurium ut jam videatur esse illa villa, quam ipse Tribunus plebis pictam olim in concionibus explicabat, quo fortissimum ac summum civem—in invidiam vocaret. Pro Sext. 43.

† Qui cum ex vobis quæreret, si in uno Cn. Pompeio omnia ponerętis, si quid eo factum esset, in quo spem essetis habituri?—Cepit magnum suæ virtutis fructum, cum omnes una prope voce, in eo ipso vos spem habituros esse dixistis. Pro leg. Man. 20.

‡ Dio. l. 36. p. 11.

§ Sed idem hoc ante biennium in M. Antonii prætura decretum. Vell. Pat. 2. 31.

sunk the price of them at once, as if plenty had been actually restored.* But though the senate could not hinder the law, yet they had their revenge on Gabinius, the author of it, by preventing his being chosen one of Pompey's lieutenants, which was what he chiefly aimed at, and what Pompey himself solicited:† though Pompey probably made him amends for it in some other way; since, as Cicero says, he was so necessitous at this time, and so profligate, that, if he had not carried his law, he must have turned pirate himself.‡ Pompey had a fleet of five hundred sail allowed for this expedition, with twenty-four lieutenants, chosen out of the senate;§ whom he distributed so skilfully through the several stations of the Mediterranean, that, in less than fifty days, he drove the pirates out of all their lurking holes, and, in four months, put an end to the whole war: for he did not prepare for it till the end of winter, set out upon it in the beginning of spring, and finished it in the middle of summer.‖

A second law was published by L. Otho, for the assignment of distinct seats, in the theatres, to the equestrian order, who used, before, to sit promiscuously with the populace: but, by this law, fourteen rows of benches, next to those of the senators, were to be appropriated to their use; by which he secured to them, as Cicero says, both their dignity and their pleasure.¶ The senate obtained the same privilege, of separate seats, about an hundred years before, in the consulship of Scipio Africanus, which highly disgusted the people, and gave occasion, says

* Quo die a vobis maritimo bello præpositus est imperator, tanta repente vilitas annonæ ex summa inopia et caritate rei frumentariæ consecuta est, unius hominis spe et nomine, quantum vix ex summa ubertate agrorum diuturna pax efficere potuisset. Pro. leg. Man. 15.

† Ne legaretur A. Gabinius Cn. Pompeio expetenti ac postulanti. Ib. 19.

‡ Nisi rogationem de piratico bello tulisset, profecto egestate ac improbitate coactus piraticam ipse fecisset. Post redit. in Senat. 5.

§ Plut. in Pomp.

‖ Ipse autem, ut a Brundisio profectus est, undequinquagesimo die totam ad imperium populi Romani Ciliciam adjunxit—ita tantum bellum—Cn. Pompeius extrema hieme apparavit, ineunte vere suscepit, media æstate confecit. Pro leg. Man. 12.

¶ L. Otho, vir fortis meus necessarius, equestri ordini restituit non solum dignitatem, sed etiam voluptatem. Pro Mur. 19.

Livy, as all innovations are apt to do, to much debate and censure: for many of the wiser sort, condemned all such distinctions in a free city, as dangerous to the public peace; and Scipio himself afterwards repented, and blamed himself for suffering it.* Otho's law, we may imagine, gave still greater offence, as it was a greater affront to the people, to be removed yet farther from what, of all things, they were fondest of, the sight of plays and shows: it was carried, however, by the authority of the tribune, and is frequently referred to, by the classic writers, as an act, very memorable, and† what made much noise in its time.

C. Cornelius, also, another tribune, was pushing forward a third law, of a graver kind, to prohibit bribery in elections, by the sanction of the severest penalties: the rigour of it highly displeased the senate, whose warm opposition raised great disorders in the city: so that all other business was interrupted, the elections of magistrates adjourned, and the consuls forced to have a guard. The matter, however, was compounded, by moderating the severity of the penalties, in a new law offered by the consuls, which was accepted by Cornelius, and enacted, in proper form, under the title of the Calpurnian law, from the name of the consul C. Calpurnius Piso.‡ Cicero speaks of it still, as rigorously drawn;§ for, besides a pecuniary fine, it rendered the guilty incapable of any public office or place in the senate. This Cornelius seems to have been a brave and honest tribune, though somewhat too fierce and impetuous in asserting the rights of the citizens: he published another law, to prohibit any man's being absolved

* P. Africanus ille superior, ut dicitur, non solum a sapientissimis hominibus, qui tum erant, verum etiam a seipso sæpe accusatus est, quod cum consul esset—passus esset tum primum a populari consessu senatoria subsellia separari. Pro Cornel. 1. Fragment. ex Asconio. [Liv. l. 34. 54.] Ea res avertit vulgi animum et favorem Scipionis vehementer quassavit. Val. Max. 2. 4.

† —— sedilibusque magnus in primis eques
Othone contempto sedet —— Hor. Ep. 4. 15.
Sic libitum vano, qui nos distinxit, Othoni.—Juv. 3. 159.

‡ Dio. l. 36. c. 18.

§ Erat enim severissime scripta Calpurnia. Pro Mur. 23.

from the obligation of the laws, except by the authority of the people; which, though a part of the old constitution, had long been usurped by the senate, who dispensed with the laws by their own decrees, and those often made clandestinely, when a few only were privy to them. The senate, being resolved not to part with so valuable a privilege, prevailed with another tribune to inhibit the publication of it, when it came to be read; upon which Cornelius took the book from the clerk, and read it himself. This was irregular, and much inveighed against, as a violation of the rights of the tribunate; so that Cornelius was, once more, forced to compound the matter by a milder law, forbidding the senate to pass any such decrees, unless when two hundred senators were present.* These disturbances, however, proved the occasion of an unexpected honour to Cicero, by giving him a more ample and public testimony of the people's affection; for, in three different assemblies, convened for the choice of prætors, two of which were dissolved without effect, he was declared, every time, the first prætor, by the suffrages of all the centuries.†

The prætor was a magistrate next in dignity to the consuls, created originally as a colleague or assistant to them in the administration of justice, and to supply their place also in absence.‡ At first there was but one; but as the dominion and affairs of the Republic increased, so the number of the prætors was gradually enlarged from one to eight. They were chosen, not as the inferior magistrates, by the people voting in their tribes, but in their centuries, as the consuls and censors also were. In the first method, the majority of votes in each tribe determined the general vote of the tribe, and a majority of tribes determined the election, in which the meanest citizen had as good a vote as the best: but in the second, the balance of power was thrown into the

* Asconii argument. pro Cornelio.

† Nam cum propter dilationem comitiorum ter prætor primus centuriis cunctis renuntiatus sum. Pro leg. Manil. 1.

‡ Aul. Gel. 13. 15.

hands of the better sort, by a wise contrivance of one of their kings, Servius Tullius; who divided the whole body of the citizens into a hundred and ninety-three centuries, according to a census or valuation of their estates; and then reduced these centuries into six classes, according to the same rule, assigning to the first or richest class ninety-seven of these centuries, or a majority of the whole number; so that, if the centuries of the first class agreed, the affair was over, and the votes of all the rest insignificant.*

The business of the prætors was to preside and judge in all causes, especially of a public or criminal kind, where their several jurisdictions were assigned to them by lot;† and it fell to Cicero's to sit upon actions of extortion and rapine, brought against magistrates and governors of provinces;‡ in which, as he tells us himself, he had acted as an accuser, sat as a judge, and presided as prætor.§ In this office he acquired a great reputation of integrity, by the condemnation of Licinius Macer, a person of prætorian dignity, and great eloquence; who would have made an eminent figure at the bar, if his abilities had not been sullied by the infamy of a vicious life.‖ "This man," as Plutarch relates it, "depending upon his interest, and the influence of Crassus, "who supported him with all his power, was so "confident of being acquitted, that, without waiting for sentence, he went home to dress himself, "and, as if already absolved, was returning towards "the court in a white gown; but being met on his "way by Crassus, and informed that he was condemned by the unanimous suffrage of the bench,

* From this division of the people into classes, the word classical, which we now apply to writers of the first rank, is derived: for it signified originally persons of the first class, all the rest being styled infra classem. Ib. 7. 13.

† In Verr. Act. 1. 8.

‡ Postulatur apud me prætorem primum de pecuniis repetundis. Pro. Cornel. 1. fragm.

§ Accusavi de pecuniis repetundis, judex sedi, prætor quæsivi, &c. Pro Rabir. Post. 4.

‖ Brutus, 352.

"he took his bed, and died immediately." The story is told differently by other writers: "That "Macer was actually in the court, expecting the "issue; but perceiving Cicero ready to give judg- "ment against him, he sent one to let him know "that he was dead, and stopping his breath at the "same time with an handkerchief, instantly expir- "ed; so that Cicero did not proceed to sentence, "by which Macer's estate was saved to his son Li- "cinius Calvus, an orator afterwards of the first me- "rit and eminence."* But, from Cicero's own account it appears, that, after treating Macer in the trial with great candour and equity, he actually condemned him, with the universal approbation of the people; and did himself much more honour and service by it, than he could have reaped, he says, by Macer's friendship and interest, if he had acquitted him.†

Manilius, one of the new tribunes, no sooner entered into his office, than he raised a fresh disturbance in the city, by the promulgation of a law, for granting to slaves, set free, a right of voting among the tribes; which gave so much scandal to all, and was so vigorously opposed by the senate, that he was presently obliged to drop it:‡ but being always venal, as Velleius says, and the tool of other men's power, that he might recover his credit with the people, and engage the favour of Pompey, he proposed a second law, that Pompey, who was then in Cilicia, extinguishing the remains of the piratic war, should have the government of Asia added to his commission, with the command of the Mithridatic war, and of all the Roman armies in those parts.§ It was about eight years since Lucullus was first sent to that war, in which, by a series of many great and glori-

* Plut. Cic. Val. Max. 9. 12.

† Nos hic incredibili ac singulari populi voluntate de C. Macro transegimus: cui cum æqui fuissemus, tamen multo majorem fructum ex populi existimatione, illo damnato, cepimus, quam ex ipsius, si absolutus esset, gratia cepissemus. Ad Att. 1. 4.

‡ Ascon. in Orat. pro Cornel. Dio. l. 36. 20.

§ Semper venalis, et alienæ minister potentiæ, legem tulit, ut bellum Mithridaticum per Cn. Pompeium administraretur. Vell. Pat. 2. 33.

ous acts, he had acquired a reputation both of courage and conduct, equal to that of the greatest generals: he had driven Mithridates out of his kingdom of Pontus, and gained several memorable victories against him, though supported by the whole force of Tygranes, the most potent prince of Asia; till his army, harassed by perpetual fatigues, and debauched by his factious officers, particularly by his brother-in-law young Clodius,* began to grow impatient of his discipline, and to demand their discharge. Their disaffection was still increased, by the unlucky defeat of one of his lieutenants, Triarius; who, in a rash engagement with Mithridates, was destroyed with the loss of his camp, and the best of his troops: so that as soon as they heard that Glabrio, the consul of the last year, was appointed to succeed him, and actually arrived in Asia, they broke out into an open mutiny, and refused to follow him any farther, declaring themselves to be no longer his soldiers: but Glabrio, upon the news of these disorders, having no inclination to enter upon so troublesome a command, chose to stop short in Bithynia, without ever going to the army.†

This mutinous spirit in Lucullus's troops, and the loss of his authority with them, which Glabrio was still less qualified to sustain, gave a reasonable pretext to Manilius's law; and Pompey's success against the pirates, and his being upon the spot with a great army, made it likewise the more plausible: so that, after a sharp contest and opposition from some of the best and greatest of the senate, the tribune carried his point, and got the law confirmed by the people. Cicero supported it with all his eloquence, in a speech from the rostra, which he had never mounted till this occasion: where, in displaying the character of Pompey, he draws the picture of a consummate general, with all the strength and beauty of colours,

* Post, exercitu L. Luculli sollicitato per nefandum scelus, fugit illinc. De Aruspicum respons. 20. Plut. in Lucull.

† Pro leg. Manil. 2. 9. Plut. ib. Dio. l. 36. p. 7.

which words can give. He was now in the career of his fortunes, and in sight, as it were, of the consulship, the grand object of his ambition; so that his conduct was suspected to flow from an interested view of facilitating his own advancement, by paying this court to Pompey's power: but the reasons already intimated, and Pompey's singular character of modesty and abstinence, joined to the superiority of his military fame, might probably convince him, that it was not only safe, but necessary at this time, to commit a war, which nobody else could finish, to such a general; and a power, which nobody else ought to be entrusted with, to such a man. This he himself solemnly affirms in the conclusion of his speech: "I call the gods to witness," says he, "and "especially those who preside over this temple, and "inspect the minds of all who administer the pub- "lic affairs, that I neither do this at the desire of "any one, nor to conciliate Pompey's favour, nor to "procure from any man's greatness, either a support "in dangers, or assistance in honours: for as to dan- "gers, I shall repel them as a man ought to do, by "the protection of my innocence; and for honours, "I shall obtain them, not from any single man, nor "from this place, but from my usual laborious course "of life, and the continuance of your favour. What- "ever pains, therefore, I have taken in this cause, "I have taken it all, I assure you, for the sake of "the Republic; and, so far from serving any inter- "est of my own by it, have gained the ill-will and "enmity of many, partly secret, partly declared; "unnecessary to myself, yet not useless perhaps to "you: but, after so many favours received from you, "and this very honour which I now enjoy, I have "made it my resolution, citizens, to prefer your will, "the dignity of the Republic, and the safety of the "provinces, to all my own interests and advan- "tages whatsoever."*

J. Cæsar, also, was a zealous promoter of this

* Pro leg. Manil. 24.

law; but from a different motive than the love either of Pompey, or the Republic: his design was, to recommend himself by it to the people, whose favour he foresaw would be of more use to him than the senate's, and to cast a fresh load of envy on Pompey, which, by some accident, might be improved afterwards to his hurt; but his chief view was to make the precedent familiar, that whatever use Pompey might make of it, he himself might one day make a bad one.* For this is the common effect of breaking through the barrier of the laws, by which many states have been ruined; when, from a confidence in the abilities and integrity of some eminent citizen, they invest him, on pressing occasions, with extraordinary powers for the common benefit and defence of the society; for though power so entrusted, may, in particular cases, be of singular service, and sometimes even necessary; yet the example is always dangerous, furnishing a perpetual pretence to the ambitious and ill-designing, to grasp at every prerogative which had been granted at any time to the virtuous, till the same power, which would save a country in good hands, oppresses it at last in bad.

Though Cicero had now full employment as prætor, both in the affairs of state and public trials: yet, he found time still to act the advocate, as well as the judge, and not only to hear causes in his own tribunal, but to plead them also at the tribunals of the other prætors. He now defended A. Cluentius, a Roman knight, of splendid family and fortunes, accused, before the prætor Q. Naso, of poisoning his father-in-law, Oppianicus, who, a few years before, had been tried and banished for an attempt to poison Cluentius. The oration, which is extant, lays open a scene of such complicated villany, by poisons, murder, incest, suborning witnesses, corrupting judges, as the poets themselves have never feigned in any one family; all contrived by the mother of Cluentius against the life and fortunes of her son:

* Dio. l. 36. 21.

"But what a mother!" says Cicero; "one who is "hurried blindfold by the most cruel and brutal "passions; whose lust no sense of shame restrains: "who, by the viciousness of her mind, perverts all "the laws of men to the worst ends; who acts with "such folly, that none can take her for a human crea-"ture; with such violence, that none can imagine "her to be a woman; with such cruelty, that none "can conceive her to be a mother; one, who has con-"founded not only the name and the rights of na-"ture, but all the relations of it too: the wife of her "son-in-law! the step-mother of her son! the in-"vader of her daughter's bed! in short, who has "nothing left in her of the human species, but the "mere form."*

He is supposed to have defended several other criminals this year, though the pleadings are now lost, and particularly M. Fundanius: but what gives the most remarkable proof of his industry, is, that, during his prætorship, as some of the ancient writers tell us, though he was in full practice and exercise of speaking, yet he frequented the school of a celebrated rhetorician, Gnipho.† We cannot suppose that his design was to learn any thing new, but to preserve and confirm that perfection which he had already acquired, and prevent any ill habit from growing insensibly upon him, by exercising himself under the observation of so judicious a master. But his chief view certainly was, to give some countenance and encouragement to Gnipho himself, as well as to the art which he professed; and by the presence and authority of one of the first magistrates of Rome, to inspire the young nobles with an ambition to excel in it.

When his magistracy was just at an end, Manilius, whose tribune expired a few days before, was accused before him of rapine and extortion: and though ten days were always allowed to the criminal to pre-

* Pro. Cluent, 70.

† Scholam ejus claros viros frequentasse aiunt: in his M. Ciceronem, etiam cum prætura fungeretur. Sueton. de clar. Grammat. 7. Macrob. Saturn. 3. 12.

pare for his defence, he appointed the very next day for the trial. This startled and offended the citizens, who generally favoured Manilius, and looked upon the prosecution as the effect of malice and resentment on the part of the senate, for his law in favour of Pompey. The tribunes, therefore, called Cicero to an account before the people, for treating Manilius so roughly; who, in defence of himself, said, that as it had been his practice to treat all criminals with humanity, so he had no design of acting otherwise with Manilius, but, on the contrary, had appointed that short day for the trial, because it was the only one of which he was master; and that it was not the part of those who wished well to Manilius to throw off the cause to another judge. This made a wonderful change in the minds of the audience, who, applauding his conduct, desired then that he would undertake the defence of Manilius, to which he consented; and stepping up again into the rostra, laid open the source of the whole affair, with many severe reflections upon the enemies of Pompey.* The trial, however, was dropped, on account of the tumults which arose immediately after in the city, from some new incidents of much greater importance.

At the consular election, which was held this summer, P. Autronius Pætus, and P. Cornelius Sylla, were declared consuls; but their election was no sooner published, than they were accused of bribery and corruption by the Calpurnian law; and, being brought to trial, and found guilty, before their entrance into office, forfeited the consulship to their accusers and competitors, L. Manlius Torquatus, and L. Aurelius Cotta. Cataline, also, who, from his prætorship, had obtained the province of Afric, came to Rome this year, to appear a candidate at the election; but, being accused of extortion and rapine in that government, was not permitted by the consuls to pursue his pretensions.†

* Plut. in Cic.

† Qui tibi, cum L. Volcatius consul in consilio fuisset, ne petendi quidem potestatem esse voluerunt. Orat. in Tog. cand.

This disgrace of men, so powerful and desperate, engaged them presently in a conspiracy against the state, in which it was resolved to kill the new consuls, with several others of the senate, and share the government among themselves: but the effect of it was prevented by some information given of the design, which was too precipitately laid to be ripe for execution. Cn. Piso, an audacious, needy, factious young nobleman was privy to it;* and, as Suetonius says, two more of much greater weight, M. Crassus and J. Cæsar; the first of whom was to be created dictator, the second his master of the horse: but Crassus's heart failing him, either through fear or repentance, he did not appear at the appointed time, so that Cæsar would not give the signal agreed upon, of letting his robe drop from his shoulder.† The senate was particularly jealous of Piso, and hoping to cure his disaffection, by making him easy in his fortunes, or to remove him at least from the cabals of his associates, gave him the government of Spain, at the instance of Crassus, who strenuously supported him as a determined enemy to Pompey. But, before his setting out, Cæsar and he are said to have entered into a new and separate engagement, that the one should begin some disturbance abroad, while the other was to prepare and inflame matters at home: but this plot also was defeated by the unexpected death of Piso; who was assassinated by the Spaniards, as some say, for his cruelty; or, as others, by Pompey's clients, and at the instigation of Pompey himself.‡

Cicero, at the expiration of his prætorship, would

Catilina, pecuniarum repetundarum reus, prohibitus erat petere consulatum. Sallust. 18.

* Cn. Piso, adolescens nobilis, summæ audaciæ, egens, factiosus—cum hoc Catilina et Autronius—consilio communicato, parabant in Capitolio L. Cottam et L. Torquatum, Coss. interficere. Ea re cognita, rursus in Nonas Feb. consilium cædis transtulerant. Ib.

† Ut principio anni Senatum adorirentur, et trucidatis, quos placitum esset, Dictaturam Crassus, invaderet, ipse ab eo Magister Equitum diceretur—Crassum pœnitentia vel metu diem cædi destinatum non obiisse, idcirco, ne Cæsarem quidem signum, quod ab eo dari convenerat, dedisse. Sueton. in J. Cæs. 9.

‡ Pactumque, ut simul foris ille, ipse Romæ, ad res novas consurgerent. Ib.

not accept any foreign province,* the usual reward of that magistracy, and the chief fruit which the generality proposed from it. He had no particular love for money, nor genius for arms, so that those governments had no charms for him: the glory which he pursued, was to shine in the eyes of the city, as the guardian of its laws, and to teach the magistrates how to execute, the citizens how to obey them. But he was now preparing to sue for the consulship, the great object of all his hopes; and his whole attention was employed how to obtain it, in his proper year, and without a repulse. There are two years necessarily to intervene between the prætorship and consulship; the first of which was usually spent in forming a general interest, and soliciting for it, as it were, in a private manner; the second in suing for it openly, in the proper form and habit of a candidate. The affection of the city, so signally declared for him, in all the inferior steps of honour, gave him a strong presumption of success in his present pretensions to the highest: but, as he had reason to apprehend a great opposition from the nobility, who looked upon the public dignities as a kind of birth-right, and could not brook their being intercepted, and snatched from them by new men;† so he resolved to put it out of their power to hurt him, by omitting no pains which could be required of a candidate, of visiting and soliciting all the citizens in person. At the election, therefore, of the tribunes, on the sixteenth of July, where the whole city was assembled in the field of Mars, he chose to make his first effort, and to mix himself with the crowd, on purpose to caress and salute them, familiarly, by name: and, as soon as there

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Sunt, qui dicant, imperia ejus injusta—barbaros nequivisse pati; alii autem, equites illos, Cn. Pompeii veteres clientes, voluntate ejus Pisonem aggressos. Sallust. 19.

* Tu in provinciam ire noluisti: non possum id in te reprehendere, quod in meipso prætor—probavi. Pro Muræn. 20.

† Non idem mihi licet quod iis, qui nobili genere nati sunt, quibus omnia populi Romani beneficia dormientibus deferuntur. In Verr. 5. 70.

was any vacation in the Forum, which happened usually in August, he intended to make an excursion into the Cisalpine Gaul, and, in the character of a lieutenant to Piso, the governor of it, to visit the towns and colonies of that province, which was reckoned very strong in the number of its votes, and so return to Rome in January following.* While he was thus employed in suing for the consulship, L. Cotta, a remarkable lover of wine, was one of the censors, which gave occasion to one of Cicero's jokes, that Plutarch has transmitted to us, that, happening one day to be dry with the fatigue of his task, he called for a glass of water to quench his thirst; and when his friends stood close around him, as he was drinking, "You do well," says he, "to cover me, lest Cotta should censure me for "drinking water."

He wrote about the same time to Atticus, then at Athens, to desire him to engage all that band of Pompey's dependants, who were serving under him in the Mithridatic war, and, by way of jest, bids him tell Pompey himself, that he would not take it ill of him, if he did not come, in person, to his election.† Atticus spent many years in this residence at Athens, which gave Cicero an opportunity of employing him, to buy a great number of statues, for the ornament of his several villas, especially that at Tusculum, in which he took the greatest pleasure,‡ for its delightful situation in the neighbourhood of Rome, and the convenience of an easy retreat from the hurry and fatigues of the city: here he had built several rooms and galleries, in imitation of the schools and porticos of Athens, which he called, likewise, by their Attic names of the Academy and Gymnasium, and designed for the

* Quoniam videtur in suffragiis multum posse Gallia, cum Romæ a judiciis forum refrixerit, excurremus mense Septembri legati ad Pisonem. Ad Att. 1. 1.

† Illam manum tu mihi cura ut præstes, Pompeii nostri amici. Nega me ie iratum fore, si ad mea comitia non venerit. Ib.

‡ Quæ tibi mandavi, et quæ tu convenire intelliges nostro Tusculano, velim, ut scribis, cures: nos ex omnibus molestiis et laboribus uno illo in loco conquiescimus. Ib. 5.

same use of philosophical conferences with his learned friends. He had given Atticus a general commission to purchase, for him, any piece of Grecian art or sculpture, which was elegant and curious, especially of the literary kind, or proper for the furniture of his academy;* which Atticus executed to his great satisfaction, and sent him, at different times, several cargoes of statues, which arrived safe at the port of Cajeta, near to his Formian villa;† and pleased him always so well, both in the choice and the price of them, that, upon the receipt of each parcel, he still renewed his orders for more.

"I have paid," says he, "a hundred and sixty-"four pounds, as you ordered, to your agent Cin-"cius, for the Megaric statues. The Mercuries "which you mentioned, of Pentelician marble, with "brazen heads, give me already great pleasure: "wherefore, I would have you send me as many "of them as you can, and as soon as possible, with "any other statues and ornaments which you think "proper for the place, and in my taste, and good "enough to please yours; but, above all, such as "will suit my gymnasium and portico: for I am "grown so fond of all things of that kind, that, "though others, probably, may blame me, yet I de-"pend on you to assist me."‡

Of all the pieces which Atticus sent, he seems to have been the most pleased with a sort of compound emblematical figures, representing Mercury and Minerva, or Mercury and Hercules jointly, upon one base, called Hermathenæ and Hermeraclæ: for Hercules being the proper deity of the Gymnasium, Minerva of the Academy, and Mercury common to both, they exactly suited the purpose for which he desired them.§ But, he was so intent on embellish-

* Quicquid ejusdem generis habebis, dignum academia quod tibi videbitur, ne dubitaveris mittere, et arcæ nostræ confidite. Ad Att. 1. 9. Vid. it. 5, 6. 10.

† Signa, quæ curasti, ea sunt ad Cajetam exposita. Ib. 8.

‡ Ib. 8.

§ Hermathena tua me valde delectat. Ib. 1. Quod ad me de Hermathena scribis, per mihi gratum est—quod et Hermes commune omnium, et Minerve singu-

ing this Tusculan villa with all sorts of Grecian work, that he sent over to Atticus the plans of his ceilings, which were of stucco-work, in order to bespeak pieces of sculpture, or painting, to be inserted in the compartments; with the covers of two of his wells, or fountains, which, according to the custom of those times, they used to form after some elegant pattern, and adorned with figures, in relief.*

Nor was he less eager in making a collection of Greek books, and forming a library, by the same opportunity of Atticus's help. This was Atticus's own passion, who, having free access to all the libraries of Athens, was employing his slaves in copying the works of their best writers, not only for his own use, but for sale also, and the common profit both of the slave and the master: for Atticus was remarkable, above all men of his rank, for a family of learned slaves, having scarce a foot-boy in his house, who was not trained both to read and write for him.† By this advantage he had made a very large collection of choice and curious books, and signified to Cicero his design of selling them; yet seems to have intimated withal, that he expected a larger sum for them than Cicero would easily spare: which gave occasion to Cicero to beg of him, in several letters, to reserve the whole number for him, till he could raise money enough for the purchase.

"Pray keep your books," says he, "for me, and "do not despair of my being able to make them "mine; which, if I can compass, I shall think my-

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lare est insigne ejus gymnasii. Ib. 4. Signa nostra et Hermeraclas, cum commodissime poteris, velim imponas. Ib. 10.

The learned generally take these Hermeraclæ and Hermathenæ to be nothing more than a tall square pedestal of stone, which was the emblem of Mercury, with the head of the other deity, Minerva or Hercules upon it, of which sort there are several still extant, as we see them described in the books of antiquities. But I am apt to think, that the heads of both the deities were sometimes also joined together upon the same pedestal, looking different ways, as we see in those antique figures which are now indiscriminately called Januses.

* Præterea typos tibi mando, quos in tectorio atrioli possim includere, et putealia sigillata duo. Ib.

† In ea erant pueri literatissimi, anagnostæ optimi, et plurimi librarii; ut ne pedissequus quidem quisquam esset, qui non utrumque horum pulchre facere posse Corn. Nep. in vita Attici. 13.

" self richer than Crassus, and despise the fine vil-
" las and gardens of them all."* Again: "Take
" care that you do not part with your library to any
" man, how eager soever he may be to buy it: for I
" am setting apart all my little rents to purchase that
" relief for my old age."† In a third letter, he says,
" That he had placed all his hopes of comfort and
" pleasure, whenever he should retire from business,
" on Atticus's reserving these books for him.‡

But to return to the affairs of the city. Cicero was now engaged in the defence of C. Cornelius, who was accused, and tried, for practices against the state, in his late tribunate, before the prætor, Q. Gallius. This trial, which lasted four days, was one of the most important in which he had ever been concerned: the two consuls presided in it; and all the chiefs of the senate, Q. Catulus, L. Lucullus, Hortensius, &c. appeared as witnesses against the criminal;‖ whom Cicero defended, as Quintilian says, not only with strong, but shining arms, and with a force of eloquence, that drew acclamations from the people.§ He published two orations, spoken in this cause, whose loss is a public detriment to the literary world, since they were reckoned among the most finished of his compositions: he himself refers to them as such:¶ and the old critics have drawn many examples from them, of that genuine eloquence, which extorts applause, and excites admiration.

C. Papius, one of the tribunes, published a law, this year, to oblige all strangers to quit the city, as one of his predecessors, Pennus, had done likewise, many years before him. The reason, which they

* Libros tuos conserva, et noli desperare, eos me meos facere posse: quod si assequor, supero Crassum divitiis, atque omnium vicos et prata contemno. Ad. Att. 1. 4.

† Bibliothecam tuam cave cuiquam despondeas, quamvis acrem amatorem inveneris. Ib. 10.

‡ Velim cogites, id quod mihi pollicitus es, quemadmodum bibliothecam nobis conficere possis. Omnem spem delectationis nostræ, quam cum in otium venerimus, habere volumus, in tua humanitate positam habemus. Ib. 7.

‖ Ascon. Argum.

§ Nec fortibus modo, sed etiam fulgentibus præliatus est Cicero in causa Cornelii. Lib. 8. 3.

¶ Orat. 67. 70.

alleged for it, was the confusion occasioned by the multitude and insolence of foreigners, who assumed the habit, and usurped the rights of citizens: but Cicero condemns all these laws, as cruel and inhospitable, and a violation of the laws of nature and humanity.*

Catiline was now brought to a trial, for his oppressions in Afric: he had been soliciting Cicero to undertake his defence; who, at one time, was much inclined, or determined rather to do it, for the sake of obliging the nobles, especially Cæsar and Crassus, or of making Catiline at least his friend, as he signifies in a letter to Atticus: "I design," says he, "at present, to defend my competitor Catiline: we "have judges to our mind, yet such as the accuser "himself is pleased with: I hope, if he be acquit-"ted, that he will be the more ready to serve me, in "our common petition; but if it fall out otherwise, "I shall bear it with patience. It is of great im-"portance to me, to have you here as soon as pos-"sible: for there is a general persuasion, that cer-"tain nobles of your acquaintance will be against "me; and you, I know, could be of the greatest "service, in gaining them over."† But Cicero changed his mind, and did not defend him;‡ upon a nearer view, perhaps, of his designs, and traitorous practices; to which he seems to allude, when describing the art and dissimulation of Catiline, he declares, that he himself was once almost deceived by him, so as to take him for a good citizen, a lover of honest men, a firm and faithful friend,‖ &c. But it is not strange that a candidate for the consulship, in the career of his ambition, should think of defending a man of the first rank and interest in the city, when all the consular senators, and even the consul himself, Torquatus, appeared with him at the trial, and gave testimony in his favour. Whom

* Usu vero urbis prohibere peregrinos sane inhumanum est. De Offic. 3. 11.
† Ad Att. 1. 2. ‡ Ascon. in Tog. cand.
‖ Meipsum, me, inquam, quondam ille pene decepit, cui et civis mihi bonus, et optimi cujusque cupidus, et firmus amicus et fidelis videretur. Pro Cælio, 6.

Cicero excused, when they were afterwards reproached with it, by observing, that they had no notion of his treasons, nor suspicion, at that time, of his conspiracy; but, out of mere humanity and compassion, defended a friend in distress, and, in that crisis of danger, overlooked the infamy of his life.*

His prosecutor was P. Clodius, a young nobleman as profligate as himself; so that it was not difficult to make up matters with such an accuser, who, for a sum of money, agreed to betray the cause, and suffer him to escape:† which gave occasion to what Cicero said, afterwards, in a speech against him, in the senate, while they were suing together for the consulship:—"Wretch! not to see that thou art "not acquitted, but reserved only to a severer trial, "and heavier punishment."‡ It was in this year, as Cicero tells us, under the consuls Cotta and Torquatus, that those prodigies happened, which were interpreted to portend the great dangers and plots, that were now hatching against the state, and broke out, two years after, in Cicero's consulship; when the turrets of the Capitol, the statues of the gods, and the brazen image of the infant Romulus, sucking the wolf, were struck down by lightning.‖

* Accusati sunt uno nomine Consulares—affuerunt Catilinæ, eumque laudarunt. Nulla tum patebat, nulla erat cognita conjuratio, &c. Pro Syll. 29.

† A Catilina pecuniam accepit, ut turpissime prævaricaretur. De Harusp. resp. 20.

‡ O miser, qui non sentias illo judicio te non absolutum, verum ad aliquod severius judicium, ac majus supplicium reservatum. Orat. in Tog. cand.

‖ Tactus est ille etiam, qui hanc urbem condidit, Romulus: quem inauratum in Capitolio parvum atque lactantem, uberibus lupinis inhiantem fuisse meministis. In Catil. 3. 8.

This same figure, as it is generally thought, formed in brass, of the infants, Romulus and Remus, sucking the wolf, is still preserved, and shewn in the Capitol, with the marks of a liquefaction, by a stroke of lightning, on one of the legs of the wolf. Cicero himself has described the prodigy in the following lines:

Ilic silvestris erat Romani nominis altrix
Martia; quæ parvos Mavortis semine natos
Uberibus gravidis vitali rore rigabat.
Quæ tum cum pueris flammato fulminis ictu
Concidit, atque avulsa pedum vestigia liquit.

De Divinat. 1. 12.

It was the same statue, most probably, whence Virgil drew his elegant description:

——— Geminos huic ubera circum
Ludere pendentes pueros, et lambere matrem
Impavidos. Illam tereti cervice reflexam
Mulcere alternos, et corpora fingere lingua.

Æneid. 8. 631.

Cicero, being now in his forty-third year, the proper age required by law,* declared himself a candidate for the consulship, along with six competitors, P. Sulpicius Galba, L. Sergius Catilina, C. Antonius, L. Cassius Longinus, Q. Cornificius, C. Licinius Sacerdos. The two first were patricians, the two next plebeians, yet noble; the two last the sons of fathers, who had first imported the public honours into their families: Cicero was the only new man among them, or one born of equestrian rank.† Galba and Cornificius were persons of great virtue and merit; Sacerdos, without any particular blemish upon him: Cassius, lazy and weak, but not thought so wicked as he soon after appeared to be; Antonius and Catiline, though infamous in their lives and characters, yet, by intrigue and faction, had acquired a powerful interest in the city, and joined all their forces against Cicero, as their most formidable antagonist, in which they were vigorously supported by Crassus and Cæsar.‡

This was the state of the competition; in which the practice of bribing was carried on so openly and shamefully, by Antonius and Catiline, that the senate thought it necessary to give some check to it, by a new and more rigorous law; but, when they were proceeding to publish it, L. Mucius Orestinus,

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The martial twins beneath their mother lay,
And, hanging on her dugs, with wanton play,
Securely suck'd: whilst she reclin'd her head
To lick their tender limbs, and form them as they fed.

* Nonne tertio et tricesimo anno mortem obiit? quæ est ætas, nostris legibus, decem annis minor, quam consularis. Philip. 5. 17.

† The distinction of patrician, plebeian, and noble, may want a little explication. The title of patrician belonged only, in a proper sense, to those families of which the senate was composed in the earliest times, either of the kings, or the first consuls, before the commons had obtained a promiscuous admission to the public honours, and by that means into the senate. All other families, how considerable soever, were constantly styled plebeian. Patrician then, and plebeian, are properly opposed to each other, but noble common to them both; for the character of nobility was wholly derived from the curule magistracies which any family had borne; and those which could boast of the greatest number were always accounted the noblest; so that many plebeians surpassed the patricians themselves in the point of nobility. Vid. Ascon. argum. in Tog. cand.

‡ Catilina et Antonius, quanquam omnibus maxime infamis eorum vita esset, tamen multum poterant. Coierant enim ambo, ut Ciceronem consulatu dejicerent, adjutoribus usi firmissimis, M. Crasso et C. Cæsare. Ascon. argum. in Tog. cand.

one of the tribunes, put his negative upon them. This tribune had been Cicero's client, and defended by him, in an impeachment of plunder and robbery; but, having now sold himself to his enemies, made it the subject of all his harangues, to ridicule his birth and character, as unworthy of the consulship: in the debate, therefore, which arose in the senate, upon the merit of his negative, Cicero, provoked to find so desperate a confederacy against him, rose up, and, after some raillery and expostulation with Mucius, made a most severe invective on the flagitious lives and practices of his two competitors, in a speech usually called in Toga candida, because it was delivered in a white gown, the proper habit of all candidates, and from which the name itself was derived.*

Though he had now business enough upon his hands to engage his whole attention, yet we find him employed in the defence of Q. Gallius, the prætor of the last year, accused of corrupt practices, in procuring that magistracy. Gallius, it seems, when chosen ædile, had disgusted the people, by not providing any wild beasts for their entertainment, in his public shows; so that, to put them in good humour, when he stood for the prætorship, he entertained them with gladiators, on pretence of giving them in honour of his deceased father.† This was his crime, of which he was accused by M. Callidius, whose father had been impeached before, by Gallius. Callidius was one of the most eloquent and accurate speakers of his time, of an easy, flowing, copious style, always delighting, though seldom warming his audience, which was the only thing wanting to make him a complete orator. Besides the public crime just mentioned, he charged Gallius with a private one against himself, a design to poison him; of which he pretended to have manifest proofs, as well from the testimony of witnesses, as of his own hand and

* Ascon. Argum. † Ascon. not. ib.

letters: but he told his story with so much temper and indolence, that Cicero, from his coldness in opening a fact so interesting, and where his life had been attempted, formed an argument to prove that it could not be true. "How is it possible," says he, "Callidius, for you to plead in such a manner, if you "did not know the thing to be forged? How could "you, who act with such force of eloquence in other "men's dangers, be so indolent in your own? Where "was that grief, that ardour, which was to extort "cries and lamentations from the most stupid? We "saw no emotion of your mind, none of your body; "no striking your forehead, or your thigh; no stamping with your foot: so that, instead of feeling ourselves inflamed, we could hardly forbear sleeping, "while you were urging all that part of your "charge."* Cicero's speech is lost, but Gallius was acquitted; for we find him, afterwards, revenging himself, in the same kind, on this very Callidius, by accusing him of bribery in his suit for the consulship.†

J. Cæsar was one of the assistant judges this year to the prætor, whose province it was to sit upon the Sicarii, that is, those who were accused of killing, or carrying a dagger with intent to kill. This gave him an opportunity of citing before him, as criminals, and condemning, by the law of assassination, all those, who, in Sylla's proscription, had been known to kill, or receive money for killing, a proscribed citizen; which money Cato also, when he was quæstor the year before, had made them refund to the treasury.‡ Cæsar's view was, to mortify the senate, and ingratiate himself with the people, by reviving the Marian cause, which had always been popular, and of which he was naturally the head, on account of his near relation to old Marius; for which purpose he had the hardiness likewise to replace in the Capitol the trophies and statues of Marius, which Sylla had or-

* Brutus, p. 402. 3. † Epist. fam. 8. 4.
‡ Plut. in Cato. Sueton. J. Cæs. 11.

dered to be thrown down and broken to pieces.* But, while he was prosecuting with such severity the agents of Sylla's cruelty, he not only spared, but favoured Catiline, who was one of the most cruel in spilling the blood of the proscribed; having butchered, with his own hands, and in a manner the most brutal, C. Marius Gratidianus, a favourite of the people, nearly related both to Marius and Cicero; whose head he carried in triumph through the streets, to make a present of it to Sylla.† But Cæsar's zeal provoked L. Paullus to bring Catiline also under the lash of the same law, and to accuse him in form, after his repulse from the consulship, of the murder of many citizens in Sylla's proscription: of which, though he was notoriously guilty, yet, contrary to all expectation, he was acquitted.‡

Catiline was suspected also, at the same time, of another heinous and capital crime, an incestuous commerce with Fabia, one of the vestal virgins, and sister to Cicero's wife. This was charged upon him so loudly by common fame, and gave such scandal to the city, that Fabia was brought to a trial for it; but, either through her innocence, or the authority of her brother Cicero, she was readily acquitted: which gave occasion to Cicero to tell him, among the other reproaches on his flagitious life, that there was no place so sacred, whither his very visits did not carry pollution, and leave the imputation of guilt, where there was no real crime subsisting.§

As the election of consuls approached, Cicero's interest appeared to be superior to that of all the candidates: for the nobles themselves, though always envious, and desirous to depress him, yet, out

* Quorum auctoritatem, ut, quibus posset modis, diminueret, trophæa C. Marii—a Sylla olim disjecta, restituit. Suet. J. Cæs. 11.

† Qui hominem carissimum populo Romano—omni cruciatu vivum lacerarit; stanti collum gladio sua dextera secuerit; cùm sinistra, capillum ejus a vertice teneret, &c. Vid. de petitione Consulat. 3.

Quod caput etiam tum plenum animæ et spiritus, ad Syllam, usque a janiculo ad ædem Apollinis, manibus ipse suis detulit. In Tog. cand.

‡ Bis absolutum Catilinam. Ad Att. 1. 16. Sallust. 31. Dio, l. 56. p. 34.

§ Cum ita vixisti, ut non esset locus tam sanctus, quo non adventus tuus, etiam cum culpa nulla subesset, crimen afferet. Orat. in Tog cand. Vid. Ascon. ad locum.

of regard to the dangers which threatened the city from many quarters, and seemed ready to burst out into a flame, began to think him the only man qualified to preserve the Republic, and break the cabals of the desperate, by the vigour and prudence of his administration: for, in cases of danger, as Sallust observes, pride and envy naturally subside, and yield the post of honour to virtue.* The method of chusing consuls was not by an open vote, but by a kind of ballot, or little tickets of wood, distributed to the citizens, with the names of the candidates severally inscribed upon each: but, in Cicero's case, the people were not content with this secret and silent way of testifying their inclinations; but, before they came to any scrutiny, loudly and universally proclaimed Cicero the first consul; so that, as he himself declared in his speech to them, after his election, he was not chosen by the votes of particular citizens, but the common suffrage of the city; nor declared by the voice of the crier, but of the whole Roman people.† He was the only new man who had obtained the sovereign dignity, or, as he expresses it, had forced the entrenchments of the nobility for forty years past, from the first consulship of C. Marius, and the only one likewise who had ever obtained it in his proper year, or without a repulse.‡ Antonius was chosen his colleague by the majority of a few centuries above his friend and partner Catiline; which was effected, probably, by Cicero's management, who considered him as the less dangerous and more tractable of the two.

Cicero's father died this year, on the twenty-fourth

* Sed ubi periculum advenit, invidia atque superbia post fuere. Sallust. 23.

† Sed tamen magnificentius esse illo nihil potest, quod meis comitiis non tabellam vindicem tacitæ libertatis, sed vocem vivam præ vobis indicem vestrarum erga me voluntatum tulistis.—Itaque me non extrema tribus suffragiorum, sed primi illi vestri concursus, neque singulæ voces præconum, sed una voce universus populus Romanus consulem declaravit. De leg. Agrar. contra Rull. 2. 2. in. Pison. 1.

‡ Eum locum, quem nobilitas præsidiis firmatum, atque omni ratione obvallatum tenebat, me duce rescidistis.—Me esse unum, ex omnibus novis hominibus, de quibus meminisse possumus, qui consulatum petierim, cum primum licitum sit; consul factus sim, cum primum petierim. De leg. Agrar. ib. 1. 2.

of November,* in a good old age, with the comfort to have seen his son advanced to the supreme honour of the city, and wanted nothing to complete the happiness of his life, but the addition of one year more, to have made him a witness of the glory of his consulship. It was in this year also, most probably, though some critics seem to dispute it, that Cicero gave his daughter Tullia in marriage, at the age of thirteen, to C. Piso Frugi, a young nobleman of great hopes, and one of the best families in Rome:† it is certain, at least, that his son was born in this same year, as he expressly tells us, in the consulship of L. Julius Cæsar and C. Marcius Figulus.‡ So that, with the highest honour which the public could bestow, he received the highest pleasure which private life ordinarily admits, by the birth of a son and heir to his family.

SECTION III.

Cicero was now arrived through the usual gradation of honours, at the highest which the people could regularly give, or an honest citizen desire. The offices which he had already borne, had but a partial jurisdiction, confined to particular branches of the government; but the consuls held the reins, and directed the whole machine with an authority as extensive as the empire itself.‖ The subordinate magistracies, therefore, being the steps only to this sovereign dignity, were not valued so much for their own sake, as for bringing the candidates still nearer to

* Pater nobis decessit ad diem viii. Kal. Decemb. Ad Att. 1. 6.

† Tulliolam C. Pisoni, L. F. Frugi despondimus. Ib. 3. Is. Casaubon, rather than give up an hypothesis which he had formed about the earlier date of this letter, will hardly allow that Tullia was marriageable at this time, though Cicero himself expressly declares it. Vid. not. varior. in locum.

‡ L. Julio Cæsare et C. Marcio Figulo Coss. filiolo me auctum scito, salva Terentia. Ad Att. 1. 2.

‖ Omnes enim in consulis jure et imperio debent esse provinciæ. Philip. 4. 4. Tu summum imperium—gubernacula Reip.—Orbis terrarum imperium a pop. Romano petebas. Pro Muræn. 35.

the principal objects of their hopes, who, through this course of their ambition, were forced to practise all the arts of popularity: to court the little as well as the great, to espouse the principles and politiss in vogue, and to apply their talents to conciliate friends, rather than to serve the public.* But the consulship put an end to this subjection, and with the command of the state gave them the command of themselves: so that the only care left was, how to execute this high office with credit and dignity, and employ the power entrusted to them for the benefit and service of their country.

We are now therefore to look upon Cicero in a different light, in order to form a just idea of his character: to consider him, not as an ambitious courtier, applying all his thoughts and pains to his own advancement; but as a great magistrate and statesman, administering the affairs and directing the councils of a mighty empire. And, according to the accounts of all the ancient writers, Rome never stood in greater need of the skill and vigilance of an able consul than in this very year. For, besides the traitorous cabals and conspiracies of those who were attempting to subvert the whole Republic, the new tribunes were also labouring to disturb the present quiet of it; some of them were publishing laws to abolish every thing that remained of Sylla's establishment, and to restore the sons of the proscribed to their estates and honours; others to reverse the punishment of P. Sylla and Autronius, condemned for bribery, and replace them in the senate;† some were for expunging all debts, and others for dividing the lands of the public to the poorer citizens:‡ so that, as Cicero declared, both to the senate and the people, the Republic was delivered into his hands full of terrors and alarms; distracted by pestilent laws and

* Jam urbanam multitudinem, et eorum studia, qui conciones tenent, adeptus es, in Pompeio orando, Manilii causa recipienda, Cornelio defendendo, &c.—Nec tamen in petendo Respub. capessenda est, neque in senatu, neque in concione: sed hæc tibi retinenda, &c. De petitione Consulat. 13.

† Pro Sylla. 22, 23.

‡ Dio. l. 37. p. 41.

seditious harangues; endangered, not by foreign wars, but intestine evils, and the traitorous designs of profligate citizens; and that there was no mischief incident to a state which the honest had not cause to apprehend, the wicked to expect.*

What gave the greater spirit to the authors of these attempts, was Antonius's advancement to the consulship: they knew him to be of the same principles, and embarked in the same designs with themselves, which, by his authority, they now hoped to carry into effect. Cicero was aware of this; and foresaw the mischief of a colleague equal to him in power, yet opposite in views, and prepared to frustrate all his endeavours for the public service: so that his first care, after their election, was to gain the confidence of Antonius, and to draw him from his old engagements to the interests of the Republic; being convinced that all the success of his administration depended upon it. He began therefore to tempt him, by a kind of argument, which seldom fails of its effect with men of his character, the offer of power to his ambition, and of money to his pleasures: with these baits he caught him; and a bargain was presently agreed upon between them, that Antonius should have the choice of the best province, which was to be assigned to them at the expiration of their year.† It was the custom for the senate to appoint what particular provinces were to be distributed every year to the several magistrates, who used afterwards to cast lots for them among themselves; the prætors for the prætorian, the consuls for the consular provinces. In this partition, therefore, when Macedonia, one of the most desirable governments of the empire, both for command and wealth, fell to Cicero's lot, he exchanged it immediately with his colleague for Cisalpine Gaul, which he resigned also soon after in favour of Q. Metellus; being resolved,

* De leg. Agrar. contra Rull. 1. 8, 9: 2, 3.

† Collegam suum Antonium pactione provinciæ pepulerat, ne contra Rempubliean dissentiret. Sallust. bell. Cat. 26.

as he declared in his inauguration speech, to administer the consulship in such a manner, as to put it out of any man's power, either to tempt or terrify him from his duty; since he neither sought, nor would accept, any province, honour, or benefit from it whatsoever: "the only way," says he, "by which a man "can discharge it with gravity and freedom, so as "to chastise those tribunes who wish ill to the Re-"public, or despise those who wish ill to himself:"* a noble declaration, and worthy to be transmitted to posterity, for an example to all magistrates in a free state. By this address he entirely drew Antonius into his measures, and had him ever after obsequious to his will;† or, as he himself expresses it, by his patience and complaisance he softened and calmed him, eagerly desirous of a province, and projecting many things against the state.‡ The establishment of this concord between them, was thought to be of such importance to the public quiet, that, in his first speech to the people, he declared it to them from the rostra, as an event the most likely to curb the insolence of the factious, and raise the spirits of the honest, and prevent the dangers with which the city was then threatened.§

There was another project likewise which he had much at heart, and made one of the capital points of his administration, to unite the equestrian order with the senate, into one common party and interest. This body of men, next to the senators, consisted of the richest and most splendid families of Rome, who, from the ease and affluence of their fortunes, were naturally well-affected to the prosperity of the Republic; and being also the constant farmers of all the revenues of the empire, had a great part of the infe-

* 'Cum mihi deliberatum et constitutum sit, ita gerere consulatum, quo uno modo geri graviter et libere potest, ut neque provinciam, neque honorem, neque ornamentum aliquod, aut commodum—appetiturus sim.—Sic me geram, ut possim tribunum pleb. Reipub. iratum coercere, mihi iratum contemnere. Contra Rull. 1. 8.

† Plut. in his Life. ‡ In Pison. 2.

§ Quod ego et concordiâ, quam mihi constitui cum collega invitissimis iis hominibus, quos in consulatu inimicos esse et animi et corporis actibus providi, omnibus prospexi sane, &c. Contra Rull. 2. 37.

rior people dependent upon them. Cicero imagined, that the united weight of these two orders would always be an over-balance to any other power in the state, and a secure barrier against any attempts of the popular and ambitious upon the common liberty.* He was the only man in the city capable of effecting such a coalition, being now at the head of the senate, yet the darling of the knights; who considered him as the pride and ornament of their order, whilst he, to ingratiate himself the more with them, affected always in public to boast of that extraction, and to call himself an equestrian: and made it his special care to protect them in all their affairs, and to advance their credit and interest: so that, as some writers tell us, it was the authority of his consulship that first distinguished and established them into a third order of the state.† The policy was certainly very good, and the Republic reaped great benefit from it in this very year, through which he had the whole body of knights at his devotion, who, with Atticus at their head, constantly attended his orders, and served as a guard to his person:‡ and if the same maxim had been pursued by all succeeding consuls, it might probably have preserved, or would certainly, at least, have prolonged the liberty of the Republic.

Having laid this foundation for the laudable discharge of his consulship, he took possession of it, as usual, on the first of January. A little before his inauguration, P. Servilius Rullus, one of the new tribunes, who entered always into their office on the tenth of December, had been alarming the senate

* Ut multitudinem cum principibus, Equestrem ordinem cum senatu conjunxerim. In Pison. 3. Neque ulla vis tanta reperietur, quæ conjunctionem vestram, Equitumque Romanorum, tantamque conspirationem bonorum omnium perfringere possit. In Catil. 4. 10.

† Cicero demum stabilivit Equestre nomen in consulatu suo; ei senatum concillans, ex eo se ordine profectum celebrans, et ejus vires peculiari popularitate quærens: ab illo tempore plane hoc tertium corpus in Repub. factum est, cœpitque adjici senatui populoque Romano Equester ordo. Plin. Hist. N. l. 33. 2.

‡ Vos, Equites Romani, videte, scitis me ortum e vobis, omnia semper sensisse pro vobis, &c. Pro Rabir. Post. 6. Nunc. vero cum equitatus ille, quem ego in Clivo Capitolino, te signifero ac principe, collocaram, senatum, deseruerit. Ad Att. 2. 1.

with the promulgation of an Agrarian law. These laws used to be greedily received by the populace, and were proposed, therefore, by factious magistrates, as oft as they had any point to carry with the multitude against the public good: but this law was, of all others, the most extravagant, and, by a shew of granting more to the people than had ever been given before, seemed likely to be accepted. The purpose of it was, to create a decemvirate, or ten commissioners, with absolute power for five years over all the revenues of the Republic; to distribute them, at pleasure, to the citizens; to sell and buy what lands they thought fit; to determine the rights of the present possessors; to require an account from all the generals abroad, excepting Pompey, of the spoils taken in their wars; to settle colonies wheresoever they thought proper, and particularly at Capua; and, in short, to command all the money and forces of the empire.

The publication of a law, conferring powers so excessive, gave a just alarm to all who wished well to the public tranquillity: so that Cicero's first business was to quiet the apprehensions of the city, and to exert all his art and authority to baffle the intrigues of the tribune. As soon, therefore, as he was invested with his new dignity, he raised the spirits of the senate, by assuring them of his resolution to oppose the law, and all its abettors, to the utmost of his power; nor suffer the state to be hurt, or its liberties to be impaired, while the administration continued in his hands. From the senate he pursued the tribune into his own dominion, the Forum; where, in an artful and elegant speech from the rostra, he gave such a turn to the inclination of the people, that they rejected this Agrarian law with as much eagerness as they had ever before received one.*

He began, by acknowledging the extraordinary

* Quis unquam tam secunda concione legem Agrariam suasit, quam ego dissuasi? Contra Rull. 2. 37.

obligations which he had received from them, in preference and opposition to the nobility; declaring himself the creature of their power, and of all men the most engaged to promote their interests; that they were to look upon him as the truly popular magistrate; nay, that he had declared, even in the senate, that he would be the people's consul.* He then fell into a condemnation of the Gracchi, whose name was extremely dear to them, professing, that he could not be against all Agrarian laws, when he recollected, that those two most excellent men, who had the greatest love for the Roman people, had divided the public lands to the citizens; that he was not one of those consuls who thought it a crime to praise the Gracchi; on whose councils, wisdom, laws, many parts of the present government were founded:† that his quarrel was to this particular law, which, instead of being popular, or adapted to the true interests of the city, was in reality the establishment of a tyranny, and a creation of ten kings to domineer over them. This he displays at large, from the natural effect of that power which was granted by it;‡ and proceeds to insinuate, that it was covertly levelled against their favourite Pompey, and particularly contrived to retrench and insult his authority: "Forgive me, citizens," says he, "for "my calling so often upon so great a name: you "yourselves imposed the task upon me, when I was "prætor, to join with you, in defending his dignity, "as far as I was able: I have hitherto done all that "I could do; not moved to it by my private friend-"ship for the man, nor by any hopes of honour, and "of this supreme magistracy, which I obtained from "you, though with his approbation, yet without his "help. Since then I perceive this law to be designed "as a kind of engine to overturn his power, I will re-"sist the attempts of these men; and, as I myself "clearly see what they are aiming at, so I will take "care that you shall also see, and be convinced of it

* Ib. 3. † Ib. 5. ‡ Ib. 6. 11. 13, 14.

"too."* He then shews how the law, though it excepted Pompey from being accountable to the decemvirate, yet excluded him from being one of the number, by limiting the choice to those who were present at Rome; that it subjected likewise to their jurisdiction the countries just conquered by him, which had always been left to the management of the general:† upon which he draws a pleasant picture of the tribune Rullus, with all his train of officers, guards, lictors, and apparitors,‡ swaggering in Mithridates's kingdom, and ordering Pompey to attend him, by a mandatory letter, in the following strain:

"P. Servilius Rullus, tribune of the people, decemvir, to Cnæus Pompey, the son of Cnæus, greeting.

"He will not add," says he, "the title of great, "when he has been labouring to take it from him by "law.‖

"I require you not to fail to come presently to "Sinope, and bring me a sufficient guard with you, "while I sell those lands, by my law, which you "have gained by your valour."

He observes, that the reason of excepting Pompey, was not from any respect to him, but for fear that he would not submit to the indignity of being accountable to their will: "But Pompey," says he, "is a man of that temper, that he thinks it his duty "to bear whatever you please to impose; but if there "be any thing which you cannot bear yourselves, he "will take care that you shall not bear it long against "your wills."§ He proceeds to enlarge upon the dangers which this law threatened to their liberties; that instead of any good intended by it, to the body of the citizens, its purpose was to erect a power for the oppression of them; and, on pretence of planting colonies in Italy and the provinces, to settle their own creatures and dependents, like so many garrisons, in all the convenient posts of the empire, to be ready, on all occasions, to support their tyranny: that Capua was to be their head-quarters,

* Ib. 18. † Ib. 19. ‡ Ib. 13. ‖ Ib. 20. § Ib. 23.

their favourite colony; of all cities the proudest, as well as the most hostile and dangerous; in which the wisdom of their ancestors would not suffer the shadow of any power or magistracy to remain; yet now it was to be cherished and advanced to another Rome:* that, by this law, the lands of Campania were to be sold, or given away: the most fruitful of all Italy, the surest revenue of the Republic, and their constant resource, when all other rents failed them; which neither the Gracchi, who, of all men, studied the people's benefit the most, nor Sylla, who gave every thing away, without scruple, durst venture to meddle with.† In the conclusion, he takes notice of the great favour and approbation with which they had heard him, as a sure omen of their common peace and prosperity; and acquaints them with the concord that he had established with his colleague, as a piece of news of all other the most agreeable; and promises all security to the Republic, if they would but shew the same good disposition, on future occasions, which they had signified on that day; and that he would make those very men, who had been the most envious and averse to his advancement, confess, that the people had seen farther, and judged better than they, in choosing him for their consul.

In the course of this contest, he often called upon the tribunes to come into the rostra, and debate the matter with him before the people;‡ but they thought it more prudent to decline the challenge, and to attack him rather by fictitious stories and calumnies, sedulously inculcated into the multitude: that his opposition to the law flowed from no good will to them, but an affection to Sylla's party, and to secure to them the lands which they possessed by his grant; that he was making his court by it to the

* Ib. 28. 32. † Ib. 29.

‡ Si vestrum commodum spectat, veniat et coram mecum de agri Campani divisione disputet. Contra Rull. 2. 28. Commodius fecissent tribuni plebis, Quirites, si, quæ apud vos de me deferunt, ea coram potius me præsente dixissent. Contra Rull. 3. 1.

seven tyrants, as they called seven of the principal senators, who were known to be the greatest favourers of Sylla's cause, and the greatest gainers by it; the two Luculluses, Crassus, Catulus, Hortensius, Metellus, Philippus. These insinuations made so great an impression on the city, that he found it necessary to defend himself against them, in a second speech to the people,* in which he declared, that he looked upon that law, which ratified all Sylla's acts, to be of all laws the most wicked, and the most unlike to a true law, as it established a tyranny in the city; yet that it had some excuse from the times, and, in their present circumstances, seemed proper to be supported: especially by him, who, for this year of his consulship, professed himself the patron of peace;† but that it was the height of impudence in Rullus, to charge him with obstructing their interests, for the sake of Sylla's grants, when the very law which that tribune was then urging, actually established and perpetuated those grants; and shewed itself to be drawn by a son-in-law of Valgius, who possessed more lands than any other man, by that invidious tenure, which were all, by this law, to be partly confirmed, and partly purchased of him.‡ This he demonstrates from the express words of the law, which he had studiously omitted, he says, to take notice of before, that he might not revive old quarrels, or move any argument of new dissension in a season so improper: § that Rullus, therefore, who accused him of defending Sylla's acts, was, of all others, the most impudent defender of them: for none had ever affirmed them to be good and legal, but to have some plea only from possession and the public quiet; but, by this law, the estates that had been granted by them were to be fixed upon a better foundation and title than any other estates whatsoever. He concludes, by renewing his challenge to the tribunes, to come and dispute with him to his face. But, after several

* Ib. † Ib. 3. 2. ‡ Ib. 3. 1. 4. § Ib. 3. 2.

fruitless attempts, finding themselves wholly unable to contend with him, they were forced at last to submit, and to let the affair drop, to the great joy of the senate.

This alarm being over, another accident broke out, which might have endangered the peace of the city, if the effects of it had not been prevented by the authority of Cicero. Otho's law, mentioned above, for the assignment of separate seats to the equestrian order, had highly offended the people, who could not digest the indignity of being thrust so far back from their diversions; and, while the grudge was still fresh, Otho, happening to come into the theatre, was received by the populace with an universal hiss, but by the knights with loud applause and clapping: both sides redoubled their clamour with great fierceness, and from reproaches, were proceeding to blows; till Cicero, informed of the tumult, came immediately to the theatre, and, calling the people out, into the temple of Bellona, so tamed and stung them, by the power of his words, and made them so ashamed of their folly and perverseness, that, on their return to the theatre, they changed their hisses into applauses, and vied with the knights themselves in demonstrations of their respect to Otho.* The speech was soon after published; though, from the nature of the thing, it must have been made upon the spot, and flowed extempore from the occasion: and, as it was much read and admired, for several ages after, as a memorable instance of Cicero's command over men's passions, so some have imagined it to be alluded to in that beautiful passage of Virgil.†

Ac veluti magno in populo cum sæpe coörta est
Seditio, sævitque animis ignobile vulgus;
Jamque faces et saxa volant, furor arma ministrat:
Tum pietate gravem et meritis si forte virum quem

* Plutarch's Life of Cicero.

† Sebast. Corradi Quæstura, p. 133. Æneid. 1. 152. What gives the greater colour to this imagination, is, that Quintilian applies these lines to his character of a complete orator, which he professedly forms upon the model of Cicero. Lib. 12. 1.

Aspexère, silent, arrectisque auribus adstant;
Ille regit dictis animos, et pectora mulcet.—Virg. Æn. 1. 152.

As when sedition fires th' ignoble crowd,
And the wild rabble storms and thirsts for blood;
Of stones and brands a mingled tempest flies,
With all the sudden arms that rage supplies:
If some grave sire appears amidst the strife,
In morals strict and innocence of life,
All stand attentive, while the sage controls
Their wrath, and calms the tempest of their souls.—*Mr. Pitt.*

One topic, which Cicero touched in this speech, and the only one of which we have any hint from antiquity, was to reproach the rioters, for their want of taste and good sense, in making such a disturbance, while Roscius was acting.*

There happened, about the same time, a third instance, not less remarkable, of Cicero's great power of persuasion: Sylla had, by an express law, excluded the children of the proscribed from the senate, and all public honours; which was certainly an act of great violence, and the decree rather of a tyrant, than the law of a free state.† So that the persons injured by it, who were many, and of great families, were now making all their efforts to get it reversed. Their petition was highly equitable, but, from the condition of the times, as highly unseasonable; for, in the present disorders of the city, the restoration of an oppressed party must needs have added strength to the old factions; since the first use that they would naturally make of the recovery of their power, would be to revenge themselves on their oppressors. It was Cicero's business, therefore, to prevent that inconvenience, and, as far as it was possible, with the consent of the sufferers themselves: on which occasion, this great commander of the human affections, as Quintilian calls him, found means to persuade those unfortunate men, that to bear their injury was their benefit; and that the government itself could not stand, if Sylla's laws were then repealed, on which the quiet and order of the

* Macrob. Saturn. 2. 10.

† Exclusique paternis opibus liberi, etiam petendorum honorum jure prohiberentur. Vell. Pat. 2. 28.

Republic were established; acting herein the part of a wise statesman, who will oft be forced to tolerate, and even maintain, what he cannot approve, for the sake of the common good: agreeably to what he lays down in his Book of Offices, that many things which are naturally right and just, are yet, by certain circumstances and conjectures of times, made dishonest and unjust.* As to the instance before us, he declared, in a speech made several years after, that he had excluded from honours a number of brave and honest young men, whom fortune had thrown into so unhappy a situation, that if they had obtained power, they would probably have employed it to the ruin of the state.† The three cases just mentioned, made Pliny break out into a kind of rapturous admiration of the man, who could persuade the people to give up their bread, their pleasure, and their injuries to the charms of his eloquence.‡

The next transaction of moment, in which he was engaged, was the defence of C. Rabirius, an aged senator, accused by T. Labienus, one of the tribunes, of treason or rebellion, for having killed L. Saturninus, a tribune, about forty years before, who had raised a dangerous sedition in the city. The fact, if it had been true, was not only legal, but laudable, being done in obedience to a decree of the senate, by which all the citizens were required to take arms in aid of the consuls, C. Marius and L. Flaccus.

But the punishment of Rabirius was not the thing aimed at, nor the life of an old man worth the pains of disturbing the peace of the city, the design was to attack that prerogative of the senate, by which, in the case of a sudden tumult, they could arm the city at once, by requiring the consuls to take care that the Republic received no detriment; which vote was supposed to give a sanction to every thing

* Sic multa, quæ honesta natura videntur esse, temporibus fiunt non honesta. De Offic. 3. 25.

† Ego adolescentes fortes et bonos, sed usos ea conditione fortunæ, ut, si essent magistratus adepti, Reipub. statum convulsuri viderentur—comitiorum ratione privavi. In Pison. 2.

‡ Quo te, M. Tulli, piaculo taceam? &c. Plin. Hist. l. 7. 30.

that was done in consequence of it; so that several traitorous magistrates had been cut off by it, without the formalities of a trial, in the act of stirring up sedition. This practice, though in use from the earliest times, had always been complained of by the tribunes, as an infringement of the constitution, by giving to the senate an arbitrary power over the lives of citizens, which could not legally be taken away without a hearing and judgment of the whole people. But the chief grudge to it was, from its being a perpetual check to the designs of the ambitious and popular, who aspired to any power not allowed by the laws; it was not difficult for them to delude the multitude; but the senate was not so easily managed, who, by that single vote of committing the Republic to the consuls, could frustrate at once all the effects of their popularity, when carried to a point which was dangerous to the state: for since, in virtue of it, the tribunes themselves, whose persons were held sacred, might be taken off, without sentence or trial, when engaged in any traitorous practices, all attempts of that kind must necessarily be hazardous and desperate.

This point, therefore, was to be tried on the person of Rabirius, in whose ruin the factious of all ranks were interested. J. Cæsar suborned Labienus to prosecute him; and procured himself to be appointed one of the duumviri, or the two judges allotted by the prætor to sit upon trials of treason.* Hortensius pleaded his cause, and proved, by many witnesses, that the whole accusation was false, and that Saturninus was actually killed by the hand of a slave, who for that service obtained his freedom from the public.† Cæsar, however, eagerly condemned the old man, who appealed from his sentence to the people; "where nothing," says Suetonius, "did him so much service, as the partial and "forward severity of his judge."‡

* Sueton. vit. J. Cæs. 12. Dio. p. 42. † Pro Rabir. 6. 11.

‡ Ut ad populum provocanti nihil æque ac judicis acerbitas profuit. Sueton. ib. 12.

The tribunes, in the meanwhile, employed all their power to destroy him; and Labienus would not suffer Cicero to exceed half an hour in his defence;* and, to raise the greater indignation against the criminal, exposed the picture of Saturninus in the rostra, as of one who fell a martyr to the liberties of the people. Cicero opened the defence with great gravity, declaring that, in the memory of man, there had not been a cause of such importance, either undertaken by a tribune, or defended by a consul; that nothing less was meant by it, than that, for the future, there should be no senate or public council in the city; no consent and concurrence of the honest, against the rage and rashness of the wicked; no resource or refuge in the extreme dangers of the Republic.† He implores the favour of all the gods, by whose providence their city was more signally governed, than by any wisdom of man, to make that day propitious to the security of the state, and to the life and fortunes of an innocent man. And, having possessed the minds of his audience with the sanctity of the cause, he proceeds boldly to wish, that he had been at liberty to confess, what Hortensius indeed had proved to be false, that Saturninus, the enemy of the Roman people, was killed by the hand of Rabirius‡—that he should have proclaimed and bragged of it, as an act that merited rewards instead of punishment. Here he was interrupted by the clamour of the opposite faction; but he observes it to be the faint efforts of a small part of the assembly; and that the body of the people, who were silent, would never have made him consul, if they had thought him capable of being disturbed by so feeble an insult; which he advised them to drop, since it betrayed only their folly and the inferiority of their numbers. The assembly being quieted, he goes on to declare, that though Rabirius did not kill Saturninus, yet he took arms with intent to kill him, to-

* Pro Rabir. 2. † Ib. ‡ Ib. 6

gether with the consuls and all the best of the city; to which his honour, virtue, and duty called him. He puts Labienus in mind that he was too young to be acquainted with the merits of that cause; that he was not born when Saturninus was killed, and could not be apprised how odious and detestable his name was to all people: that some had been banished for complaining only of his death; others, for having a picture of him in their houses;* that he wondered, therefore, where Labienus had procured that picture, which none durst venture to keep, even at home; and, much more, that he had the hardiness to produce, before an assembly of the people, what had been the ruin of other men's fortunes—that to charge Rabirius with this crime, was to condemn the greatest and worthiest citizens, whom Rome had ever bred; and though they were all dead, yet the injury was the same, to rob them of the honour due to their names and memories.—"Would C. Marius," says he, "have lived in perpetual toils and dangers, "if he had conceived no hopes concerning himself "and his glory beyond the limits of this life? When "he defeated those innumerable enemies in Italy, "and saved the Republic, did he imagine that every "thing which related to him would die with him? "No; it is not so, citizens; there is not one of us "who exerts himself with praise and virtue in the "dangers of the Republic, but is induced to it by "the expectation of a futurity. As the minds of "men, therefore, seem to be divine and immortal, "for many other reasons, so especially for this, that, "in all the best and the wisest, there is so strong a "sense of something hereafter, that they seem to re-"lish nothing but what is eternal. I appeal then to "the souls of C. Marius, and of all those wise and "worthy citizens, who, from this life of men are "translated to the honours and sanctity of the "gods; I call them, I say, to witness, that I think

* Pro Rabir. 9.

" myself bound to fight for their fame, glory, and " memory, with as much zeal, as for the altars and " temples of my country; and, if it were necessary " to take arms in defence of their praise, I should " take them as strenuously, as they themselves did " for the defence of our common safety,"* &c.

After this speech the people were to pass judgment on Rabirius by the suffrages of all the centuries: but there being reason to apprehend some violence and foul play from the intrigues of the tribunes, Metellus, the augur and prætor of that year, contrived to dissolve the assembly by a stratagem before they came to a vote;† and the greater affairs that presently ensued, and engaged the attention of the city, prevented the farther prosecution and revival of the cause.

But Cæsar was more successful in another case, in which he was more interested, his suit for the high priesthood, a post of the first dignity in the Republic, vacant by the death of Metellus Pius. Labienus opened his way to it by the publication of a new law, for transferring the right of electing from the college of priests to the people, agreeably to the tenor of a former law, which had been repealed by Sylla. Cæsar's strength lay in the favour of the populace, which, by immense bribes, and the profusion of his whole substance, he had gained on this occasion so effectually, that he carried this high office, before he had yet been prætor; against two consular competitors of the first authority in Rome, Q. Catulus and P. Servilius Isauricus; the one of whom had been censor, and then bore the title of Prince of the Senate; and the other been honoured with a triumph: yet he procured more votes against them, even in their own tribes, than they both had out of the whole number of the citizens.‡

* Ib. 10. † Dio, l. 37. 42.

‡ Ita potentissimos duos competitores, multumque et ætate et dignitate antecedentes, superavit; ut plura ipse in eorum tribubus suffragia, quam uterque in omnibus tulerit. Sueton. J. Cæs. 13. Vide Pigh. Annal.

Catiline was now renewing his efforts for the consulship with greater vigour than ever, and by such open methods of bribery, that Cicero published a new law against it, with the additional penalty of a ten years' exile, prohibiting, likewise, all shows of gladiators within two years from the time of suing for any magistracy, unless they were ordered by the will of a person deceased, and on a certain day therein specified.* Catiline, who knew the law to be levelled at himself, formed a design to kill Cicero, with some other chiefs of the senate,† on the day of election, which was appointed for the twentieth of October; but Cicero gave information of it to the senate the day before, upon which the election was deferred, that they might have time to deliberate on an affair of so great importance: and the day following, in a full house, he called upon Catiline to clear himself of this charge; where, without denying or excusing it, he bluntly told them, "that there "were two bodies in the Republic," meaning the senate and the people, "the one of them infirm, with "a weak head, the other firm without a head; which "last had so well deserved of him, that it should "never want a head while he lived." He had made a declaration of the same kind, and in the same place, a few days before, when, upon Cato's threatening him with an impeachment, he fiercely replied, "that if any flame should be excited in his fortunes, "he would extinguish it, not with water, but a gene-"ral ruin."‡

These declarations startled the senate, and convinced them that nothing but a desperate conspiracy, ripe for execution, could inspire so daring an assurance; so that they proceeded immediately to that decree, which was the usual refuge in all cases

* Pro Muræn. 23. in Vatin. 15. † Dio, l. 37. 43.

‡ Tum enim dixit, duo corpora esse Reipub. unum debile, infirmo capite; alterum firmum, sine capite: huic, cum ita de se meritum esset, caput, se vivo, non defuturum.—Cum idem ille paucis diebus ante Catoni, judicium minitanti, respondisset, Si quod esset in suas fortunas incendium excitatum, id se non aqua, sed ruina restincturum. Pro Muræn. 25.

of imminent danger, of ordering the consuls to take care that the Republic received no harm.* Upon this Cicero doubled his guard, and called some troops into the city; and, when the election of consuls came on, that he might imprint a sense of his own and of the public danger the more strongly, he took care to throw back his gown, in the view of the people, and discovered a shining breast-plate which he wore under it :† by which precaution, as he told Catiline afterwards to his face, he prevented his design of killing both him and the competitors for the consulship, of whom D. Junius Silanus and L. Licinius Muræna were declared consuls elect.‡

Catiline thus a second time repulsed, and breathing nothing but revenge, was now eager and impatient to execute his grand plot: he had no other game left; his schemes were not only suspected, but actually discovered by the sagacity of the consul, and himself shunned and detested by all honest men; so that he resolved, without farther delay, to put all to the hazard, of ruining either his country or himself. He was singularly formed, both by art and nature, for the head of a desperate conspiracy; of an illustrious family, ruined fortunes, profligate mind, undaunted courage, unwearied industry; of a capacity equal to the hardiest attempt, with a tongue that could explain, and a hand that could execute it.§ Cicero gives us his just character in many parts of his works, but in none a more lively picture of him than in the following passage :‖

"He had in him," says he, "many, though not "express images, yet sketches of the greatest vir- "tues; was acquainted with a great number of

* Sallust. bell. Catil. 29. Plut. Cic.

† Descendi in campum—cum illa lata insignique lorica—ut omnes boni animadverterent, et cum in metu et periculo consulem viderent, id quod factum est, ad opem præsidiumque meum concurrerent. Pro Muræn. 26.

‡ Cum proximis comitiis consularibus, me consulem in campo et competitores tuos interficere voluisti, compressi conatus tuos nefarios amicorum præsidio. In Catil. 1. 5.

§ Erat ei consilium ad facinus aptum; consilio autem neque lingua, neque manus deerat. In Catil. 3. 7.

‖ Pro Cæl. 5, 6.

" wicked men, yet a pretended admirer of the vir-
" tuous. His house was furnished with a variety of
" temptations to lust and lewdness, yet with several
" incitements also to industry and labour: it was a
" scene of vicious pleasures, yet a school of martial
" exercises. There never was such a monster on
" earth, compounded of passions so contrary and
" opposite. Who was ever more agreeable at one
" time to the best citizens; who more intimate at
" another with the worst? who a man of better
" principles? who a fouler enemy to this city? who
" more intemperate in pleasure? who more patient
" in labour? who more rapacious in plundering? who
" more profuse in squandering? He had a wonder-
" ful faculty of engaging men to his friendship, and
" obliging them by his observance, sharing with them
" in common whatever he was master of; serving
" them with his money, his interest, his pains, and,
" when there was occasion, by the most daring acts
" of villany; moulding his nature to his purposes,
" and bending it every way to his will. With the
" morose, he could live severely; with the free,
" gaily; with the old, gravely; with the young,
" cheerfully; with the enterprising, audaciously;
" with the vicious, luxuriously. By a temper so
" various and pliable, he gathered about him the
" profligate and the rash from all countries, yet held
" attached to him, at the same time, many brave
" and worthy men, by the specious shew of a pre-
" tended virtue."

With these talents, if he had obtained the consulship, and with it the command of the armies and provinces of the empire, he would probably, like another Cinna, have made himself the tyrant of his country: but despair and impatience, under his repeated disappointments, hurried him on to the mad resolution, of extorting by force what he could not procure by address. His scheme, however, was not without a foundation of probability, and there were several reasons for thinking the present time the

most seasonable for the execution of it. Italy was drained in a manner of regular troops; Pompey at a great distance with the best army of the empire; and his old friend Antonius, on whose assistance he still depended,* was to have the command of all the forces that remained. But his greatest hopes lay in Sylla's veteran soldiers, whose cause he had always espoused, and among whom he had been bred; who, to the number of about a hundred thousand, were settled in the several districts and colonies of Italy, in the possession of lands assigned to them by Sylla, which the generality had wasted by their vices and luxury, and wanted another civil war to repair their shattered fortunes. Among these he employed his agents and officers in all parts, to debauch them to his service; and, in Etruria, had actually enrolled a considerable body, and formed them into a little army, under the command of Manlius, a bold and experienced centurion, who waited only for his orders to take the field.† We must add to this, what all writers mention, the universal disaffection and discontent which possessed all ranks of the city, but especially the meaner sort, who, from the uneasiness of their circumstances, and the pressure of their debts, wished for a change of government: so that if Catiline had gained any little advantage at setting out, or come off but equal in the first battle, there was reason to expect a general declaration in his favour.‡

He called a council, therefore, of all the conspirators, to settle the plan of their work, and divide the parts of it among themselves, and fix a proper day for the execution. There were about thirty-five, whose names are transmitted to us as principals in the plot, partly of the senatorian, partly of the

* Inflatum tum spe militum, tum collegæ mei, ut ipse dicebat promissis. Pro Muræn. 23.

† Castra sunt in Italia contra Rempub. in Etruriæ faucibus collocata. In Catil. 1, 2. it. 2. 6.

‡ Sed omnino cuncta plebes, novarum rerum studio, Catilinæ incepta probabat—quod si primo prælio Catilinæ superior, aut æqua manu discessisset, profecto magna clades, &c. Sallust. 27. 29.

equestrian order, with many others from the colonies and municipal towns of Italy, men of families and interest in their several countries. The senators were P. Cornelius Lentulus, C. Cethegus, P. Autronius, L. Cassius Longinus, P. Sylla, Serv. Sylla, L. Vargunteius, Q. Curius, Q. Annius, M. Porcius Lecca, L. Bestia.*

Lentulus was descended from a patrician branch of the Cornelian family, one of the most numerous, as well as the most splendid, in Rome. His grandfather had born the title of Prince of the Senate, and was the most active in the pursuit and destruction of C. Gracchus, in which he received a dangerous wound.† The grandson, by the favour of his noble birth, had been advanced to the consulship about eight years before, but was turned out of the senate soon after by the censors, for the notorious infamy of his life, till, by obtaining the prætorship a second time, which he now actually enjoyed, he recovered his former place and rank in that supreme council.‡ His parts were but moderate, or rather slow; yet the comeliness of his person, the gracefulness and propriety of his action, the strength and sweetness of his voice, procured him some reputation as a speaker.§ He was lazy, luxurious, and profligately wicked; yet so vain and ambitious, as to expect, from the overthrow of the government, to be the first man in the Republic: in which fancy he was strongly flattered by some crafty soothsayers, who assured him, from the Sibyline books, "that there were three Corneliuses destined to the dominion of Rome; that Cinna and Sylla had already posses ed it, and the prophecy wanted to be completed in him.‖ With these

* Sallust. 17.

† Num P. Lentulum, principem senatus? Complures alios summos viros, qui cum L. Opimio consule armati Gracchum in Aventinum persecuti sunt? quo in prælio Lentulus grave accepit. Philip. 8. 4. in Catil. 4. 6.

‡ Lentulus quoque tunc maxime prætor, &c. Flor. 4. 1. Dio, p. 48. Plut in Cic

§ P. Lentulus, cujus et excogitandi et loquendi tarditatem tegebat formæ dignitas, corporis motus plenus et artis et venustatis, vocis et suavitas et magnitudo. Brut. 350.

‖ Lentulum autem sibi confirmasse ex fatis Sibyllinis, Haruspicumque responsis, se esse tertium illum Cornelium, ad quem regnum hujus urbis atque imperium pervenire esset necesse, &c. In Catil. 3. 4. it. 4. 6.

views he entered freely into the conspiracy, trusting to Catiline's vigour for the execution, and hoping to reap the chief fruit from its success.

Cethegus was of an extraction equally noble, but of a temper fierce, impetuous, and daring to a degree even of fury. He had been warmly engaged in the cause of Marius, with whom he was driven out of Rome; but, when Sylla's affairs became prosperous, he presently changed sides, and throwing himself at Sylla's feet, and promising great services, was restored to the city.* After Sylla's death, by intrigues and faction, he acquired so great an influence, that, while Pompey was abroad, he governed all things at home; procured for Antonius that command over the coasts of the Mediterranean, and for Lucullus the management of the Mithridatic war.† In the height of this power, he made an excursion into Spain, to raise contributions in that province, where, meeting with some opposition to his violences, he had the hardiness to insult, and even wound, the proconsul Q. Metellus Pius.‡ But the insolence of his conduct, and the infamy of his life, gradually diminished, and, at last, destroyed his credit; when finding himself controlled by the magistrates, and the particular vigilance of Cicero, he entered eagerly into Catiline's plot, and was entrusted with the most bloody and desperate part of it, the task of massacreing their enemies within the city. The rest of the conspirators were not less illustrious for their birth.§ The two Syllas were nephews to the dictator of that name; Autronius had obtained the consulship, but was deprived for bribery; and Cassius was competitor for it with Cicero himself. In short, they were all of the same

* Quid Catilina tuis natalibus, atque Cethegi.
Inveniet quisquam sublimius? Juv. Sat. 8. 231. Appian. 399.

† Hic est M. Antonius, qui gratia Cottæ consulis, et Cethegi factione in senatu, curationem infinitam nactus, &c. Ascon. in Ver. 2. 3. Plut. in Lucull.

‡ Quis de C. Cethego, atque ejus in Hispaniam profectione, ac de vulnere Q. Metelli Pii cogitat, cui non ad illius pœnam carcer ædificatus esse videatur? Pro Syll. 25.

§ Curii, Porcii, Syllæ, Cethegi, Antonii, Varguntcii, atque Longini: quæ familiæ? quæ Senatus insignia? &c. Flor. l. 4. 1.

stamp and character; men whom disappointments, ruined fortunes, and flagitious lives, had prepared for any design against the state; and all whose hopes of ease and advancement depended on a change of affairs, and the subversion of the Republic.

At this meeting it was resolved, that a general insurrection should be raised through Italy, the different parts of which were assigned to different leaders; that Catiline should put himself at the head of the troops in Etruria; that Rome should be fired in many places at once, and a massacre begun at the same time, of the whole senate, and all their enemies; of whom none were to be spared except the sons of Pompey, who were to be kept as hostages of their peace and reconciliation with the father; that, in the consternation of the fire and massacre, Catiline should be ready with his Tuscan army, to take the benefit of the public confusion, and make himself master of the city; where Lentulus, in the meanwhile, as first in dignity, was to preside in their general councils; Cassius to manage the affair of firing it; Cethegus to direct the massacre.* But the vigilance of Cicero being the chief obstacle to all their hopes, Catiline was very desirous to see him taken off before he left Rome; upon which two knights of the company undertook to kill him the next morning in his bed, in an early visit, on pretence of business.† They were both of his acquaintance, and used to frequent his house; and, knowing his custom of giving free access to all, made no doubt of being readily admitted, as C. Cornelius, one of the two, afterwards confessed.‡

The meeting was no sooner over, than Cicero had information of all that passed in it: for, by the intrigues of a woman named Fulvia, he had gained

* Cum Catilina egrederetur ad exercitum, Lentulus in urbe relinqueretur, Cassius incendiis, Cethegus cædi præponeretur. Pro Syll. 19. Vid. Plut. in Cic.

† Dixisti paullulum tibi esse moræ, quod ego viverem: reperti sunt duo Equites Romani, qui te ista cura liberarent, et sese illa ipsa nocte ante lucem me meo in lectulo interfecturos pollicerentur. In Catil. 1. 4. it. Sallust. 28.

‡ Tunc tuus pater, Corneli, id quod tandem aliquando confitetur, illam sibi officiosam provinciam depoposcit. Pro Syll. 18.

over Curius, her gallant, one of the conspirators, of senatorian rank, to send him a punctual account of all their deliberations. He presently imparted this intelligence to some of the chiefs of the city, who were assembled that evening, as usual, at his house; informing them, not only of the design, but naming the men who were to execute it, and the very hour when they would be at his gate: all which fell out exactly as he foretold; for the two knights came before break of day, but had the mortification to find the house well guarded, and all admittance refused to them.*

Catiline was disappointed likewise in another affair, of no less moment, before he quitted the city; a design to surprise the town of Præneste, one of the strongest fortresses of Italy, within twenty-five miles of Rome: which would have been of singular use to him in the war, and a sure retreat in all events: but Cicero was still beforehand with him, and, from the apprehension of such an attempt, had previously sent orders to the place to keep a special guard; so that when Catiline came in the night to make an assault, he found them so well provided, that he durst not venture upon the experiment.†

This was the state of the conspiracy, when Cicero delivered the first of those four speeches, which were spoken on the occasion of it, and are still extant. The meeting of the conspirators was on the sixth of November, in the evening; and on the eighth he summoned the senate to the temple of Jupiter, in the Capitol, where it was not usually held but in times of public alarm.‡ There had been several debates before this on the same subject of Catiline's treasons, and his design of killing the consul; and a decree had passed, at the motion of Cicero, to offer a public

* Domum meam majoribus præsidiis munivi: exclusi eos, quos tu mane ad me salutatum miseras; cum illi ipsi venissent, quos ego jam multis ac summis viris ad me id temporis venturos esse prædixeram. In Cat. I. 1. 4.

† Quid? eum tu Præneste Kalendis ipsis Novembribus occupaturum nocturno impetu confideres? Sensistine illam coloniam meo jussu, meis præsidiis—esse munitam? Ib. 1. 3. Præneste—natura munitum. Vell. Pat. 2. 26.

‡ Nihil hic munitissimus habendi Senatus locus. Ib. 1. 1.

reward to the first discoverer of the plot; if a slave, his liberty, and eight hundred pounds; if a citizen, his pardon, and sixteen hundred.* Yet Catiline, by a profound dissimulation, and the constant professions of his innocence, still deceived many of all ranks, representing the whole as the fiction of his enemy Cicero, and offering to give security for his behaviour, and to deliver himself to the custody of any whom the senate would name—of M. Lepidus, of the prætor Metellus, or of Cicero himself: but none of them would receive him; and Cicero plainly told him, "that he should never think himself safe "in the same house, when he was in danger by living "in the same city with him:"† yet he still kept on the mask, and had the confidence to come to this very meeting in the Capitol; which so shocked the whole assembly, that none even of his acquaintance durst venture to salute him; and the consular senators quitted that part of the house in which he sat, and left the whole bench clear to him.‡ Cicero was so provoked by his impudence, that, instead of entering upon any business, as he designed, addressing himself directly to Catiline, he broke out into a most severe invective against him, and, with all the fire and force of an incensed eloquence, laid open the whole course of his villanies, and the notoriety of his treasons.

He put him in mind, that there was a decree already made against him; by which he could take his life,‖ and that he ought to have done it long ago, since many, far more eminent and less criminal, had been taken off by the same authority, for the suspicion only of treasonable designs; that if he should order him, therefore, to be killed upon the spot, there was cause to apprehend, that it would be thought rather too late than too cruel: but there was a cer-

* Si quis indicasset de conjuratione, quæ contra remp. facta erat, præmium, servo, libertatem et sestertia centum; liberto, impunitatem et sestertia cc. Sallust. 30.

† Cum a me id responsum tulisses, me nullo modo posse iisdem parietibus tuto esse tecum, qui magno in periculo essem, quod iisdem mœnibus contineremur. Ib. 1. 8.

‡ Quis te ex hac tanta frequentia, tot ex tuis amicis ac necessariis salutavit? Quid, quod adventu tuo ista subsellia vacuefacta sunt? &c. Ib. 1. 7.

‖ Habemus Senatus consultum in te, Catilina, vehemens et grave. In Catil. 1. 1.

tain reason which yet withheld him: "Thou shalt "then be put to death," says he, "when there is not "a man to be found so wicked, so desperate, so like "to thyself, who will deny it to be done justly. As "long as there is one who dares to defend thee, thou "shalt live, and live so, as thou now dost, surround- "ed by the guards which I have placed about thee, "so as not to suffer thee to stir a foot against the "Republic, whilst the eyes and ears of many shall "watch thee, as they have hitherto done, when "thou little thoughtest of it."* He then goes on to give a detail of all that had been concerted by the conspirators at their several meetings, to let him see, that he was perfectly informed of every step which he had taken, or designed to take; and observes, that he saw several at that very time in the senate, who had assisted at those meetings—he presses him, therefore, to quit the city, and, since all his councils were detected, to drop the thought of fires and massacres; that the gates were open, and nobody should stop him.† Then, running over the flagitious enormities of his life, and the series of his traitorous practices, he exhorts, urges, commands him to depart; and, if he would be advised by him, to go into a voluntary exile, and free them from their fears; that, if they were just ones, they might be safer; if groundless, the quieter:‡ that though he would not put the question to the house, whether they would order him into banishment, or not, yet he would let him see their sense upon it, by their manner of behaving while he was urging him to it; for, should he bid any other senator of credit, P. Sextius, or M. Marcellus, to go into exile, they would all rise up against him at once, and lay violent hands on their consul: yet, when he said it to him, by their silence they approved it; by their suffering it, decreed it; by saying nothing, proclaimed their consent:§ that he would answer likewise for the knights, who were then guarding the avenues of the senate, and were hardly restrained

* Ibid. 2. † Ibid. 5. ‡ Ibid. 7. § Ibid. 8.

from doing him violence; that if he would consent to go, they would all quietly attend him to the gates. Yet, after all, if, in virtue of his command, he should really go into banishment, he foresaw what a storm of envy he should draw by it upon himself; but he did not value that, if, by his own calamity, he could avert the dangers of the Republic: but there was no hope that Catiline could ever be induced to yield to the occasions of the state, or moved with the sense of his crimes, or reclaimed by shame, or fear, or reason, from his madness.* He exhorts him, therefore, if he would not go into exile, to go, at least, where he was expected, into Manlius's camp, and begin the war; provided only, that he would carry out with him all the rest of his crew: that there he might riot and exult at his full ease, without the mortification of seeing one honest man about him:† there he might practise all that discipline to which he had been trained, of lying upon the ground, not only in pursuit of his lewd amours, but of bold and hardy enterprizes: there he might exert all that boasted patience of hunger, cold, and want, by which, however, he would shortly find himself undone. He then introduces an expostulation of the Republic with himself, for his too great lenity, in suffering such a traitor to escape, instead of hurrying him to immediate death; that it was an instance of cowardice and ingratitude to the Roman people, that he, a new man, without any recommendation from his ancestors, had been raised by them through all the degrees of honour to sovereign dignity, should, for the sake of any danger to himself, neglect the care of the public safety.‡ "To this most sacred voice of my country," says he, "and to all those who blame me after the "same manner, I shall make this short answer—that "if I had thought it the most advisable to put Cati-"line to death, I would not have allowed that gla-"diator the use of one moment's life: for if, in form-"er days, our most illustrious citizens, instead of

* Ibid. 9. † Ibid. 10. ‡ Ibid. 11.

"sullying, have done honour to their memories, by "the destruction of Saturninus, the Gracchi, Flaccus, and many others, there is no ground to fear, "that, by killing this parricide, any envy would lie "upon me with posterity; yet, if the greatest was "sure to befal me, it was always my persuasion, that "envy, acquired by virtue, was really glory, not "envy: but there are some of this very order, who "do not either see the dangers which hang over us, "or else dissemble what they see; who, by the softness of their votes, cherish Catiline's hopes, and "add strength to the conspiracy, by not believing it: "whose authority influences many, not only of the "wicked, but the weak; who, if I had punished this "man as he deserved, would not have failed to cry "out upon me for acting the tyrant.* Now, I am "persuaded, that, when he is once gone into Manlius's camp, whither he actually designs to go, none "can be so silly as not to see that there is a plot, "none so wicked, as not to acknowledge it: whereas, by taking off him alone, though this pestilence "would be somewhat checked, it could not be suppressed: but when he has thrown himself into rebellion, and carried out his friends along with him, "and drawn together the profligate and desperate "from all parts of the empire, not only this ripened "plague of the Republic, but the very root and seed "of all our evils will be extirpated with him at once." Then applying himself again to Catiline, he concludes with a short prayer to Jupiter: "With these "omens, Catiline, of all prosperity to the Republic, "but of destruction to thyself, and all those who "have joined themselves with thee in all kinds of "parricide, go thy way then to this impious and "abominable war; whilst thou, Jupiter, whose religion was established with the foundation of this "city, whom we truly call Stator, the stay and prop of "this empire, wilt drive this man and his accomplices from thy altars and temples, from the houses

* Ibid. 12.

" and walls of the city, from the lives and fortunes " of us all; and wilt destroy, with eternal punish- " ments, both living and dead, all the haters of good " men, the enemies of their country, the plunderers " of Italy, now confederated in this detestable league " and partnership of villany."

Catiline, astonished by the thunder of this speech, had little to say for himself in answer to it; yet, with downcast looks and suppliant voice, he begged of the fathers, not to believe too hastily what was said against him by an enemy; that his birth and past life offered every thing to him that was hopeful; and it was not to be imagined, that a man of patrician family, whose ancestors, as well as himself, had given many proofs of their affection to the Roman people, should want to overturn the government; while Cicero, a stranger, and late inhabitant of Rome, was so zealous to preserve it. But, as he was going on to give foul language, the senate interrupted him, by a general outcry, calling him traitor and parricide: upon which, being furious and desperate, he declared again, aloud, what he had said before to Cato, that since he was circumvented and driven headlong by his enemies, he would quench the flame which was raised about him, by the common ruin; and so rushed out of the assembly.* As soon as he was come to his house, and began to reflect on what had passed, perceiving it in vain to dissemble any longer, he resolved to enter into action immediately, before the troops of the Republic were increased, or any new levies made; so that, after a short conference with Lentulus, Cethegus, and the rest, about what had been concerted in the last meeting, having given fresh orders and assurances of his speedy return at the head of a strong army, he left Rome that very night, with a small retinue, to make the best of his way towards Etruria.†

* Tum ille furibundus; Quoniam quidem circumventus, inquit, ab inimicis præceps agor, incendium meum ruina extinguam. Sallust. 31.

† Ibid. 32.

He no sooner disappeared, than his friends gave out that he was gone into a voluntary exile at Marseilles;* which was industriously spread through the city next morning, to raise an odium upon Cicero, for driving an innocent man into banishment without any previous trial or proof of his guilt: but Cicero was too well informed of his motions, to entertain any doubt about his going to Manlius's camp, and into actual rebellion: he knew that he had sent thither already a quantity of arms, and all the ensigns of military command, with that silver eagle, which he used to keep with great superstition in his house, for its having belonged to C. Marius, in his expedition against the Cimbri.† But, lest the story should make an ill impression on the city, he called the people together into the Forum, to give them an account of what passed in the senate, the day before, and of Catiline's leaving Rome upon it.

He began, by congratulating with them on Catiline's flight, as on a certain victory; since the driving him from his secret plots and insidious attempts on their lives and fortunes, into open rebellion, was in effect to conquer him: that Catiline himself was sensible of it; whose chief regret, in his retreat, was not for leaving the city, but for leaving it standing.‡— "But if there be any here," says he, "who blame "me for what I am boasting of, as you all, indeed, "justly may, that I did not rather seize, than send "away so capital an enemy; that is not my fault, "citizens, but the fault of the times. Catiline ought, "long ago, to have suffered the last punishment: the "custom of our ancestors, the discipline of the em- "pire, and the Republic itself required it: but how "many would there have been who would not have "believed what I charged him with? how many "who, through weakness, would never have imagined

* At enim sunt, Quirites, qui dicunt a me in exilium ejectum esse Catilinam— Ego vehemens ille consul, qui verbo cives in exilium ejicio, &c. In Catil. 2. 6.

† Cum fasces, cum tubas, cum signa militaria, cum aquilam illam argenteam, cui ille etiam sacrarium scelerum domi suæ fecerat, scirem esse præmissam. Ib. Sall. 59.

‡ In Catil. 2. 1.

"it, or, through wickedness, would have defended "it?"—He observes, that if he had put Catiline to death, he should have drawn upon himself such an odium, as would have rendered him unable to prosecute his accomplices, and extirpate the remains of the conspiracy; but, so far from being afraid of him now, he was sorry only that he went off with so few to attend him;* that his forces were contemptible, if compared with those of the Republic, made up of a miserable, needy crew, who had wasted their substance, forfeited their bails, and would run away, not only at the sight of an army, but of the prætor's edict:—That those who had deserted his army, and staid behind, were more to be dreaded than the army itself; and the more so, because they knew him to be informed of all their designs, yet were not at all moved by it: that he had laid open all their councils in the senate the day before, upon which Catiline was so disheartened, that he immediately fled: that he could not guess what these others meant; if they imagined that he should always use the same lenity, they were much mistaken:† for he had now gained what he had hitherto been waiting for, to make all the people see that there was a conspiracy; that now, therefore, there was no more room for clemency, the case itself required severity: yet he would still grant them one thing, to quit the city, and follow Catiline: nay, would tell them the way; it was the Aurelian road, and, if they would make haste, they might overtake him before night. Then, after describing the profligate life and conversation of Catiline and his accomplices,‡ he declares it insufferably impudent for such men to pretend to plot: the lazy against the active, the foolish against the prudent, the drunken against the sober, the drowsy against the vigilant; who, lolling at feasts, embracing mistresses, staggering with wine, stuffed with victuals, crowned with garlands, daubed with perfumes, belch, in their conversations, of massacreing the honest, and firing the

* Ibid. 2. † Ibid. 3. ‡ Ibid. 4.

city. "If my consulship," says he, "since it cannot "cure, should cut off all these, it would add no small "period to the duration of the Republic: for there "is no nation which we have reason to fear; no king "who can make war upon the Roman people; all "disturbances abroad, both by land and sea, are "quelled by the virtue of one man; but a domestic "war still remains; the treason, the danger, the "enemy is within: we are to combat with luxury, "with madness, with villany: in this war I profess "myself your leader, and take upon myself all the "animosity of the desperate: whatever can possi- "bly be healed, I will heal; but what ought to be "cut off, I will never suffer to spread to the ruin of "the city.* He then takes notice of the report of Catiline's being driven into exile, but ridicules the weakness of it, and says, that he had put that matter out of doubt, by exposing all his treasons, the day before, in the senate.† He laments the wretched condition, not only of governing, but even of preserving states: "For if Catiline," says he, "baffled by "my pains and councils, should really change his "mind, drop all thoughts of war, and betake himself "to exile, he would not be said to be disarmed and "terrified, or driven from his purpose by my vigi- "lance: but, uncondemned and innocent, to be "forced into banishment by the threats of the con- "sul; and there would be numbers who would think "him not wicked, but unhappy; and me not a dili- "gent consul, but a cruel tyrant." He declares, that though, for the sake of his own ease or character, he should never wish to hear of Catiline's being at the head of an army, yet they would certainly hear it in three days' time: that if men were so perverse as to complain of his being driven away, what would they have said, if he had been put to death? Yet there was not one of those who talked of his going to Marseilles, but would be sorry for it, if it was true, and wished much rather to see him in Manlius's camp:‡

* Ibid. 5. † Ibid. 6. ‡ Ibid. 7, 8, 9, 10.

he proceeds to describe, at large, the strength and forces of Catiline, and the different sorts of men of which they were composed; and then, displaying and opposing to them the superior forces of the Republic, he shews it to be a contention of all sorts of virtue against all sorts of vice, in which, if all human help should fail them, the gods themselves would never suffer the best cause in the world to be vanquished by the worst.* He requires them, therefore, to keep a watch only in their private houses, for he had taken care to secure the public, without any tumult: that he had given notice to all the colonies and great towns of Catiline's retreat, so as to be upon their guard against him: that, as to the body of gladiators, whom Catiline always depended upon as his best and surest band, they were taken care of, in such a manner, as to be in the power of the Republic;† though, to say the truth, even these were better affected than some part of the patricians: that he had sent Q. Metellus, the prætor, into Gaul, and the district of Picenum, to oppose all Catiline's motions on that side: and, for settling all matters at home, had summoned the senate to meet again that morning, which, as they saw, was then assembling. As for those, therefore, who were left behind in the city, though they were now enemies, yet, since they were born citizens, he admonished them, again and again, that his lenity had been waiting only for an opportunity of demonstrating the certainty of the plot: that, for the rest, he should never forget that this was his country, he their consul, who thought it his duty either to live with them, or die for them. "There is no "guard," says he, "upon the gates, none to watch "the roads; if any one has a mind to withdraw him-"self, he may go whenever he pleases; but if he "makes the least stir within the city, so as to be "caught in any overt-act against the Republic, he "shall know that there are in it vigilant consuls, ex-

* Ibid. 11.

† Ibid. 12. † Decrevere uti familiæ gladiatoriæ Capuam et in cætera municipia distribuerentur pro cujusque opibus. Sallust. 30.

" cellent magistrates, a stout senate;—that there are " arms, and a prison, which our ancestors provided, " as the avenger of manifest crimes; and all this shall " be transacted in such a manner, citizens, that the " greatest disorders shall be quelled without the " least hurry; the greatest dangers, without any tu- " mult; a domestic war, the most desperate of any " in our memory, by me, your only leader and gene- " ral, in my gown: which I will manage so, that, as " far as it is possible, not one even of the guilty shall " suffer punishment in the city: but if their auda- " ciousness, and my country's danger, should neces- " sarily drive me from this mild resolution, yet I will " effect, what in so cruel and treacherous a war " could hardly be hoped for, that not one honest man " shall fall, but all of you be safe by the punishment " of a few. This I promise, citizens, not from any " confidence in my own prudence, or from any " human councils, but from the many evident de- " clarations of the gods, by whose impulse I am led " into this persuasion; who assist us, not as they " used to do, at a distance, against foreign and re- " mote enemies, but by their present help and pro- " tection, defend their temples and our houses: it is " your part, therefore, to worship, implore, and pray " to them, that, since all our enemies are now sub- " dued both by land and sea, they would continue " to preserve this city, which was designed by them " for the most beautiful, the most flourishing, and " most powerful on earth, from the most detestable " treasons of its own desperate citizens."

We have no account of this day's debate in the senate, which met while Cicero was speaking to the people, and were waiting his coming to them from the rostra: but as to Catiline, after staying a few days on the road, to raise and arm the country through which he passed, and, which his agents had already been disposing to his interests, he marched directly to Manlius's camp, with the fasces and all the ensigns of military command displayed before

him. Upon this news, the senate declared both him and Manlius public enemies, with offers of pardon to all his followers, who were not condemned of capital crimes, if they returned to their duty by a certain day; and ordered the consuls to make new levies, and that Antonius should follow Catiline with the army; Cicero stay at home to guard the city.*

It will seem strange to some, that Cicero, when he had certain information of Catiline's treason, instead of seizing him in the city, not only suffered, but urged his escape, and forced him, as it were, to begin the war. But there was good reason for what he did, as he frequently intimates in his speeches; he had many enemies among the nobility, and Catiline many secret friends; and though he was perfectly informed of the whole progress and extent of the plot, yet the proofs being not ready to be laid before the public, Catiline's dissimulation still prevailed, and persuaded great numbers of his innocence; so that, if he had imprisoned and punished him, at this time, as he deserved, the whole faction were prepared to raise a general clamour against him, by representing his administration as a tyranny, and the plot as a forgery contrived to support it: whereas, by driving Catiline into rebellion, he made all men see the reality of their danger; while, from an exact account of his troops, he knew them to be so unequal to those of the Republic, that there was no doubt of his being destroyed, if he could be pushed to the necessity of declaring himself, before his other projects were ripe for execution. He knew also, that if Catiline was once driven out of the city, and separated from his accomplices, who were a lazy, drunken, thoughtless crew, they would ruin themselves by their own rashness, and be easily drawn into any trap which he should lay for them: the event shewed that he judged right; and, by what happened afterwards, both to Catiline and to himself, it appeared, that, as far as human caution could

* Sallust, 36.

reach, he acted with the utmost prudence, in regard as well to his own as to the public safety.

In the midst of all this hurry, and soon after Catiline's flight, Cicero found leisure, according to his custom, to defend L. Muræna, one of the consuls elect, who was now brought to a trial for bribery and corruption. Cato had declared in the senate, that he would try the force of Cicero's late law upon one of the consular candidates :* and since Catiline, whom he chiefly aimed at, was out of his reach, he resolved to fall upon Muræna; yet connived, at the same time, at the other consul, Silanus, who had married his sister, though equally guilty with his colleague†: he was joined in the accusation by one of the disappointed candidates, S. Sulpicius, a person of distinguished worth and character, and the most celebrated lawyer of the age, for whose service, and at whose instance, Cicero's law against bribery was chiefly provided.‡

Muræna was bred a soldier, and had acquired great fame in the Mithridatic war, as lieutenant to Lucullus;§ and was now defended by three, the greatest men, as well as the greatest orators, of Rome, Crassus, Hortensius, and Cicero; so that there had seldom been a trial of more expectation, on account of the dignity of all the parties concerned. The character of the accusers makes it reasonable to believe, that there was clear proof of some illegal practices; yet, from Cicero's speech, which, though imperfect, is the only remaining monument of the transaction, it seems probable, that they were such only, as, though, strictly speaking irregular, were yet warranted by custom and the example of all candidates; and, though heinous in the eyes of a

* *Dixi in senatu, me nomen consularis candidati delaturum.* Pro Muræn. 30. Quod atrociter in Senatu divisti, aut non dixisses, aut seposuisses. Ib. 31. Plut. Cato.

† Plut. in Cato.

‡ Legem ambitus flagitasti—gestus est mos et voluntati et dignitati tuæ. Pro Muræn. 23.

§ Legatus L. Lucullo fuit: qua in legatione duxit exercitum—magnas copias hostium fudit, urbes partim vi, partim obsidione cepit.—Pro Muræn. 9.

Cato, or an angry competitor, were usually overlooked by the magistrates, and expected by the people.

The accusation consisted of three heads; the scandal of Muræna's life; the want of dignity in his character and family; and bribery in the late election. As to the first, the greatest crime which Cato charged him with was dancing; to which Cicero's defence is somewhat remarkable: He admonishes Cato not to throw out such a calumny so inconsiderately, or to call the consul of Rome a dancer; but to consider how many other crimes a man must needs be guilty of, before that of dancing could be truly objected to him: since nobody ever danced, even in solitude, or a private meeting of friends, who was not either drunk or mad; for dancing was always the last act of riotous banquets, gay places, and much jollity: that Cato charged him, therefore, with what was the effect of many vices, yet, with none of those, without which that vice could not possibly subsist: with no scandalous feasts, no amours, no nightly revels, no lewdness, no extravagant expense,* &c.

As to the second article, the want of dignity, it was urged chiefly by Sulpicius, who being noble, and a patrician, was the more mortified to be defeated by a plebeian, whose extraction he contemned: but Cicero ridicules the vanity of thinking no family good but a patrician; shews that Muræna's grandfather and great grandfather had been prætors; and that his father also, from the same dignity, had obtained the honour of a triumph: that Sulpicius's nobility was better known to the antiquaries than to the people; since his grandfather had never borne any of the principal offices, nor his father ever mounted higher than the equestrian rank: that being, therefore, the son of a Roman knight, he had always reckoned him in the same class with himself, of those who, by their own indus-

* Ib. 6.

try, had opened their way to the highest honours; that the Curiuses, the Catoes, the Pompeiuses, the Mariuses, the Didiuses, the Cæliuses, were all of the same sort; that when he had broken through that barricade of nobility, and laid the consulship open to the virtuous, as well as to the noble, and when a consul, of an ancient and illustrious descent, was defended by a consul, the son of a knight, he never imagined that the accusers would venture to say a word about the novelty of a family; that he himself had two patrician competitors, the one a profligate and audacious, the other an excellent and modest man; yet that he outdid Catiline in dignity, Galba in interest; and if that had been a crime in a new man, he should not have wanted enemies to object it to him.* He then shews, that the science of arms, in which Muræna excelled, had much more dignity and splendour in it than the science of the law, being that which first gave a name to the Roman people, brought glory to their city, and subdued the world to their empire; that martial virtue had ever been the means of conciliating the favour of the people, and recommending to the honours of the state; and it was but reasonable that it should hold the first place in that city, which was raised by it to be the head of all other cities in the world.†

As to the last and heaviest part of the charge, the crime of bribery, there was little or nothing made out against him, but what was too common to be thought criminal: the bribery of shows, plays, and dinners given to the populace; yet not so much by himself, as by his friends and relations, who were zealous to serve him; so that Cicero makes very slight of it, and declares himself more afraid of the authority, than the accusation of Cato; and, to obviate the influence which the reputation of Cato's integrity might have in the cause, he observes, that the people in general, and all wise judges, had ever been jealous of the power and interest of an accuser; lest

* Pro Muræn. 7, 8. † Ib. 9, 10, 11.

the criminal should be borne down, not by the weight of his crimes, but the superior force of his adversary. "Let the authority of the great prevail," says he, "for the safety of the innocent, the protection of the "helpless, the relief of the miserable; but let its in- "fluence be repelled from the dangers and destruc- "tion of citizens: for if any one should say, that "Cato would not have taken the pains to accuse, "if he had not been assured of the crime, he esta- "blishes a very unjust law to men in distress, by "making the judgment of an accuser to be consi- "dered as a prejudice, or previous condemnation of "the criminal."* He exhorts Cato not to be so severe on what ancient custom and the Republic itself had found useful; nor to deprive the people of the plays, gladiators, and feasts, which their ancestors had approved; nor to take from candidates an opportunity of obliging, by a method of expense, which indicated their generosity, rather than an intention to corrupt.†

But, whatever Muræna's crime might be, the circumstance which chiefly favoured him, was the difficulty of the times, and a rebellion actually on foot; which made it neither safe nor prudent to deprive the city of a consul, who, by a military education, was the best qualified to defend it in so dangerous a crisis. This point Cicero dwells much upon, declaring that he undertook this cause, not so much for the sake of Muræna, as of the peace, the liberty, the lives and safety of them all.—"Hear, hear," says he, "your consul, who, not to speak arrogantly, "thinks of nothing, day and night, but of the Re- "public: Catiline does not despise us so far, as "to hope to subdue this city with the force which "he has carried out with him: the contagion is "spread wider than you imagine; the Trojan horse "is within our walls; which, while I am consul, "shall never oppress you in your sleep. If it be "asked, then, what reason I have to fear Catiline?

* Pro Muræn. 28. † Ib. 56.

" none at all; and I have taken care that nobody " else need fear him: yet I say, that we have cause " to fear those troops of his, which I see in this very " place. Nor is his army so much to be dreaded, " as those who are said to have deserted it: for, in " truth, they have not deserted, but are left by him " only as spies upon us, and placed, as it were, in " ambush, to destroy us the more securely: all these " want to see a worthy consul, an experienced ge- " neral, a man both by nature and fortunes attached " to the interests of the Republic, driven by your " sentence from the guard and custody of the city."* After urging this topic with great warmth and force, he adds, " We are now come to the crisis and ex- " tremity of our danger; there is no resource or re- " covery for us, if we now miscarry; it is no time to " throw away any of the helps which we have, but, " by all means possible, to acquire more. The enemy " is not on the banks of the Anio, which was thought " so terrible in the Punic war, but in the city and the " Forum. Good gods! (I cannot speak it without " a sigh,) there are some enemies in the very sanc- " tuary; some, I say, even in the senate! The gods " grant that my colleague may quell this rebellion " by our arms; whilst I, in the gown, by the assist- " ance of all the honest, will dispel the other dangers " with which the city is now big. But what will be- " come of us, if they should slip through our " hands into the new year, and find but one consul " in the Republic, and him employed not in prose- " cuting the war, but in providing a colleague? Then " this plague of Catiline will break out in all its fury, " spreading terror, confusion, fire and sword, through " the city, &c."† This consideration, so forcibly urged, of the necessity of having two consuls, for the guard of the city, at the opening of the new year, had such weight with the judges, that, without any deliberation, they unanimously acquitted Muræna,

* Pro Muræn. 37. † Ib. 39.

and would not, as Cicero says, so much as hear the accusation of men the most eminent and illustrious.*

Cicero had a strict intimacy all this while with Sulpicius, whom he had served with all his interest in this very contest for the consulship.† He had a great friendship also with Cato, and the highest esteem of his integrity: yet he not only defended this cause against them both, but, to take off the prejudice of their authority, laboured even to make them ridiculous; rallying the profession of Sulpicius as trifling and contemptible, the principles of Cato as absurd and impracticable, with so much humour and wit, that he made the whole audience very merry, and forced Cato to cry out, "What a facetious "consul have we!"‡ But, what is more observable, the opposition of these great men, in an affair so interesting, gave no sort of interruption to their friendship, which continued as firm as ever to the end of their lives; and Cicero, who lived the longest of them, shewed the real value that he had for them both, after their deaths, by procuring public honours for the one, and writing the life and praises of the other. Muræna, too, though exposed to so much danger by the prosecution, yet seems to have retained no resentment of it; but, during his consulship, paid a great deference to the councils of Cato, and employed all his power to support him against the violence of Metellus, his colleague in the tribunate. This was a greatness of mind truly noble, and suitable to the dignity of the persons; not to be shocked by the particular contradiction of their friends, when their general views on both sides were laudable and virtuous: yet this must not be wholly charged to the virtue of the men, but to the discipline of the Republic itself, which, by a wise policy, imposed it as a duty on its subjects to defend their fellow citizens in their dangers, without regard to

* Defendi consul L. Murænam—nemo illorum judicum, clarissimis viris accusantibus, audiendum sibi de ambitu curavit, cum bellum jam gerente Catilina, omnes, me auctore, duos consules Kalendis Jan. scirent esse oportere. Pro Muræn. 39.

† Ib. 3. ‡ Plut. in Cato.

any friendships or engagements whatsoever.* The examples of this kind will be more or less frequent in states, in proportion as the public happens to be the ruling principle; for that is a bond of union too firm to be broken by any little differences about the measures of pursuing it: but where private ambition and party zeal have the ascendant, there every opposition must necessarily create animosity, as it obstructs the acquisition of that good, which is considered as the chief end of life, private benefit and advantage.

Before the trial of Muræna, Cicero had pleaded another cause of the same kind in the defence of C. Piso, who had been consul four years before, and acquired the character of a brave and vigorous magistrate: but we have no remains of the speech, nor any thing more said of it, by Cicero, than that Piso was acquitted, on account of his laudable behaviour in his consulship.† We learn, however, from Sallust, that he was accused of oppression and extortion in his government, and that the prosecution was promoted chiefly by J. Cæsar, out of revenge for Piso's having arbitrarily punished one of his friends or clients in Cisalpine Gaul.‡

But to return to the affair of the conspiracy.—Lentulus and the rest, who were left in the city, were preparing all things for the execution of their grand design, and soliciting men of all ranks, who seemed likely to favour their cause, or to be of any use to it. Among the rest, they agreed to make an attempt on the ambassadors of the Allobroges, a warlike, mutinous, faithless people, inhabiting the countries now called Savoy and Dauphiny, greatly disaffected to the Roman power, and already ripe for rebellion. These ambassadors, who were preparing to return home much out of humour with the senate, and without any redress of the grievances

* Hanc nobis a majoribus esse traditam disciplinam, ut nullius amicitia ad propulsanda pericula impediremur. Pro Sylla, 17.

† Pro Flacco, 39. ‡ Sallust, 49.

which they were sent to complain of, received the proposal at first very greedily, and promised to engage their nation to assist the conspirators with what they principally wanted,* a good body of horse whenever they should begin the war; but reflecting afterwards, in their cooler thoughts, on the difficulty of the enterprize, and the danger of involving themselves and their country in so desperate a cause, they resolved to discover what they knew to Q. Fabius Sanga, the patron of their city, who immediately gave intelligence of it to the consul.†

Cicero's instructions upon it were, that the ambassadors should continue to feign the same zeal which they had hitherto shewn, and promise every thing that was required of them, till they had got a full insight into the extent of the plot, with distinct proofs against the particular actors in it:‡ upon which, at their next conference with the conspirators, they insisted on having some credentials from them to shew to their people at home, without which they would never be induced to enter into an engagement so hazardous. This was thought reasonable, and presently complied with; and Vulturcius was appointed to go along with the ambassadors, and introduce them to Catiline on their road, in order to confirm the agreement, and exchange assurances also with him; to whom Lentulus sent at the same time a particular letter, under his own hand and seal, though without his name. Cicero, being punctually informed of all these facts, concerted privately with the ambassadors, the time and manner of their leaving Rome in the night, and that on the Milvian bridge, about a mile from the city, they should be arrested with their papers and letters about them by two of the prætors, L. Flaccus and C. Pontinius,

* Ut equitatum in Italiam quamprimum mitterent. In Catil. 3, 4.

† Allobroges diu incertum habuere, quidnam consilii caperent. Itaque Q. Fabio Sangæ rem omnem, ut cognoverunt, aperiunt. Sallust. 41.

‡ Cicero—legatis præcipit, ut studium conjurationis vehementer simulent, cæteros, adeant, bene polliceantur, denique operam, ut eos quam maxime manifestos habeant. Ibid.

whom he had instructed for that purpose, and ordered to lie in ambush near the place, with a strong guard of friends and soldiers: all which was successfully executed, and the whole company brought prisoners to Cicero's house by break of day.*

The rumour of this accident presently drew a resort of Cicero's principal friends about him, who advised him to open the letters before he produced them in the senate, lest, if nothing of moment were found in them, it might be thought rash and imprudent to raise an unnecessary terror and alarm through the city. But he was too well informed of the contents to fear any censure of that kind; and declared, that, in a case of public danger, he thought it his duty to lay the matter entire before the public council.† He summoned the senate, therefore, to meet immediately, and sent at the same time for Gabinius, Statilius, Cethegus and Lentulus, who all came presently to his house, suspecting nothing of the discovery; and being informed also of a quantity of arms, provided by Cethegus, for the use of the conspiracy, he ordered C. Sulpicius, another of the prætors, to go and search his house, where he found a great number of swords and daggers, with other arms, all newly cleaned, and ready for present service.‡

With this preparation he set out to meet the senate in the temple of Concord, with a numerous guard of citizens, carrying the ambassadors and the conspirators with him in custody; and after he had given the assembly an account of the whole affair, Vulturcius was called in to be examined separately;

* L. Flaccum et C. Pontinium prætores—ad me vocavi, rem exposui, quid fieri placeret ostendi—occultè ad pontem Milvium pervenerunt—ipsi comprehensi ad me, cum jam dilucesceret, deducuntur. In Catil. 3. 2.

† Cum summis et clarissimis hujus civitatis viris, qui, audita re, frequentes ad me convenerant, literas a me prius aperiri, quam ad senatum referrem, placeret, ne si nihil esset inventum, temere a me tantus tumultus injectus civitati videretur, me negavi esse facturum, ut de periculo publico non ad publicum concilium rem integram deferrem. Ib. 3. 3.

‡ Admonitu Allobrogum—C. Sulpicium—misi, qui ex ædibus Cethegi, si quid telorum esset, efferret; ex quibus ille maximum sicarum numerum et gladiorum extulit. Ib. it. Plut. in Cic.

to whom Cicero, by order of the house, offered a pardon and reward, if he would faithfully discover all that he knew: upon which, after some hesitation, he confessed, "that he had letters and instructions "from Lentulus to Catiline, to press him to accept "the assistance of the slaves, and to lead his army "with all expedition towards Rome, to the intent, "that, when it should be set on fire in different "places, and the general massacre begun, he might "be at hand to intercept those who escaped, and "join with his friends in the city."*

The ambassadors were examined next, who declared, "that they had received letters to their na-"tion from Lentulus, Cethegus, and Statilius; that "these three, and L. Cassius also, required them to "send a body of horse as soon as possible into Italy, "declaring, that they had no occasion for any foot: "that Lentulus had assured them, from the Sibyl-"line books, and the answers of soothsayers, that "he was the third Cornelius, who was destined to "be master of Rome, as Cinna and Sylla had been "before him; and that this was the fatal year mark-"ed for the destruction of the city and empire: that "there was some dispute between Cethegus and the "rest, about the time of firing the city; for while "the rest were for fixing it on the feast of Saturn, "or the middle of December, Cethegus thought that "day too remote and dilatory." The letters were then produced and opened; first, that from Cethegus, and, upon shewing him the seal, he allowed it to be his; it was written with his own hand, and addressed to the senate and people of the Allobroges, signifying, that he would make good what he had promised to their ambassadors, and entreating them also to perform what the ambassadors had undertaken for them. He had been interrogated just before, about the arms that were found at his house: to which he answered, "that they were provided "only for his curiosity, for he had always been par-

* In Catil. 3. 4.

" ticularly fond of neat arms:" but, after his letter was read, he was so dejected and confounded, that he had nothing at all to say for himself.—Statilius was then brought in, and acknowledged his hand and seal; and, when his letter was read, to the same purpose with Cethegus's, he confessed it to be his own. Then Lentulus's letter was produced, and his seal likewise owned by him; which Cicero perceiving to be the head of his grandfather, could not help expostulating with him, " that the very image " of such an ancestor, so remarkable for a singular " love of his country, had not reclaimed him from " his traitorous designs." His letter was of the same import with the other two; but, having leave to speak for himself, he at first denied the whole charge, and began to question the ambassadors and Vulturcius, what business they ever had with him, and on what occasion they came to his house; to which they gave clear and distinct answers; signifying by whom, and how often they had been introduced to him; and then asked him, in their turn, whether he had never mentioned any thing to them about the Sibylline oracles; upon which, being confounded, or infatuated rather by the sense of his guilt, he gave a remarkable proof, as Cicero says, of the great force of conscience: for, not only his usual parts and eloquence, but his impudence too, in which he outdid all men, quite failed him; so that he confessed his crime, to the surprise of the whole assembly. Then Vulturcius desired that the letter to Catiline, which Lentulus had sent by him, might be opened, where Lentulus again, though greatly disordered, acknowledged his hand and seal: it was written without any name, but to this effect: " You will know who " I am, from him whom I have sent to you. Take " care to shew yourself a man, and recollect in what " situation you are; and consider what is now ne- " cessary for you. Be sure to make use of the as- " sistance of all, even of the lowest." Gabinius was then introduced, and behaved impudently for a

while; but at last denied nothing of what the ambassadors charged him with.

After the criminals and witnesses were withdrawn, the senate went into a debate upon the state of the Republic, and came unanimously to the following resolutions: "That public thanks should be "decreed to Cicero in the amplest manner, by whose "virtue, council, and providence, the Republic was "delivered from the greatest dangers; that Flaccus "and Pontinius, the prætors, should be thanked "likewise for their vigorous and punctual execution "of Cicero's orders: that Antonius, the other con-"sul; should be praised, for having removed from "his councils all those who were concerned in the "conspiracy: that Lentulus, after having abdicated "the prætorship, and divested himself of his robes, "and Cethegus, Statilius, and Gabinius, with their "other accomplices also, when taken. Cassius, "Cæparius, Furius, Chilo, Umbrenus, should be "committed to safe custody; and that a public "thanksgiving should be appointed in Cicero's name "for his having preserved the city from a conflagra-"tion, the citizens from a massacre, and Italy from "a war."*

The senate being dismissed, Cicero went directly into the rostra, and gave the people an account of the whole proceeding, in the manner as it is just related: where he observed to them, that the thanksgiving decreed in his name, was the first which had ever been decreed to any man in the gown: that all other thanksgivings had been appointed for some particular services to the Republic; this alone for saving it:† that, by the seizure of these accomplices, all Catiline's hopes were blasted at once; for when he was driving Catiline out of the city, he foresaw, that if he was once removed, there would be nothing

* In Catil. 3. 5, 6.

† Quod mihi primum posthanc urbem conditam togato contigit—quæ supplicatio, si cum cæteris conferatur, Quirites, hoc interest, quod cæteræ bene gesta, hæc una conservata Republica constituta est. Ib. 6.

to apprehend from the drowsiness of Lentulus, the fat of Cassius, or the rashness of Cethegus: that Catiline was the life and soul of the conspiracy; who never took a thing to be done, because he had ordered it; but always followed, solicited, and saw it done himself: that, if he had not driven him from his secret plots, into open rebellion, he could never have delivered the Republic from its dangers, or never, at least, with so much ease and quiet: that Catiline would not have named the fatal day for their destruction so long beforehand; nor ever suffered his hand and seal to be brought against him, as the manifest proof of his guilt; all which was so managed, in his absence, that no theft in any private house was ever more clearly detected than this whole conspiracy: that all this was the pure effect of a divine influence; not only for its being above the reach of human council, but because the gods had so remarkably interposed in it, as to shew themselves almost visibly: for, not to mention the nightly streams of light from the western sky, the blazing of the heavens, flashes of lightning, earthquakes, &c. he could not omit what happened two years before, when the turrets of the Capitol were struck down with lightning; how the soothsayers, called together from all Etruria, declared, that fire, slaughter, the overthrow of the laws, civil war, and the ruin of the city were portended, unless some means were found out of appeasing the gods: for which purpose, they ordered a new and larger statue of Jupiter to be made, and to be placed in a position contrary to that of the former image, with its face turned towards the east; intimating, that if it looked towards the rising sun, the Forum, and the senate-house, then all plots against the state would be detected so evidently, that all the world should see them; that, upon this answer, the consuls of that year gave immediate orders for making and placing the statue; but, from the slow progress of the work, neither they, nor their successors, nor he himself, could get

it finished till that very day; on which, by the special influence of Jupiter, while the conspirators and witnesses were carried through the Forum to the temple of Concord, in that very moment the statue was fixed in its place; and, being turned to look upon them and the senate, both they and the senate saw the whole conspiracy detected. And can any man, says he, be such an enemy to truth, so rash, so mad, as to deny, that all things which we see, and above all, that this city, is governed by the power and providence of the gods?* He proceeds to observe, that the conspirators must needs be under a divine and judicial infatuation, and could never have trusted affairs and letters of such moment to men barbarous and unknown to them, if the gods had not confounded their senses: and that the ambassadors of a nation so disaffected, and so able and willing to make war upon them, should slight the hopes of dominion, and the advantageous offers of men of patrician rank, must needs be the effect of a divine interposition; especially when they might have gained their ends, not by fighting, but by holding their tongues. He exhorts them, therefore, to celebrate that thanksgiving day religiously, with their wives and children.† That, for all his pains and services, he desired no other reward or honour, but the perpetual remembrance of that day: in this he placed all his triumphs and his glory, to have the memory of that day eternally propagated to the safety of the city, and the honour of his consulship; to have it remembered, that there were two citizens living at the same time in the Republic, the one of whom was terminating the extent of the empire by the bounds of the horizon itself; the other preserving the seat and centre of that empire.‡ That his case, however, was different from that of their generals abroad, who, as soon as they had conquered their enemies, left them; whereas, it was his lot to live still among those whom he had subdued: that

* Ib. 8, 9. † Ib. 10. ‡ Ib. 11.

it ought to be their care, therefore, to see, that the malice of those enemies should not hurt him; and that what he had been doing for their good should not redound to his detriment; though, as to himself, he had no cause to fear any thing, since he should be protected by the guard of all honest men, by the dignity of the Republic itself, by the power of conscience; which all those must needs violate, who should attempt to injure him: that he would never yield, therefore, to the audaciousness of any, but even provoke and attack all the wicked and the profligate: yet, if all their rage at last, when repelled from the people, should turn singly upon him, they should consider what a discouragement it would be hereafter to those, who should expose themselves to danger for their safety. That, for his part, he would ever support and defend, in his private condition, what he had acted in his consulship, and shew, that what he had done was not the effect of chance, but of virtue: that if any envy should be stirred up against him, it might hurt the envious, but advance his glory. Lastly, since it was now night, he bade them all go home, and pray to Jupiter, the guardian of them and the city; and though the danger was now over, to keep the same watch in their houses as before, for fear of any surprise; and he would take care, that they should have no occasion to do it any longer.

While the prisoners were before the senate, Cicero desired some of the senators, who could write short hand, to take notes of every thing that was said; and when the whole examination was finished, and reduced into an act, he set all the clerks at work, to transcribe copies of it, which he dispersed presently through Italy and all the provinces, to prevent any invidious misrepresentation of what was so clearly attested and confessed by the criminals themselves,* who, for the present, were committed to the

* Constitui senatores, qui omnium indicum dicta, interrogata, responsa perscriberent: describi ab omnibus statim librariis, dividi passim et pervulgari atque edi populo Romano imperavi—divisi toti Italiæ, emisi in omnes provincias. Pro Syll. 14,15.

free custody of the magistrates and senators of their acquaintance,* till the senate should come to a final resolution about them. All this passed on the third of December, a day of no small fatigue to Cicero, who, from break of day till the evening, seems to have been engaged, without any refreshment, in examining the witnesses and the criminals, and procuring the decree which was consequent upon it; and, when that was over, in giving a narrative of the whole transaction to the people, who were waiting for that purpose in the Forum. The same night his wife Terentia, with the vestal virgins and the principal matrons of Rome, was performing at home, according to annual custom, the mystic rites of the goddess Bona, or the Good, to which no male creature was ever admitted; and, till that function was over, he was excluded also from his own house, and forced to retire to a neighbour's; where, with a select council of friends, he began to deliberate about the method of punishing the traitors; when his wife came, in all haste, to inform him of a prodigy, which had just happened amongst them; for the sacrifice being over, and the fire of the altar seemingly extinct, a bright flame issued suddenly from the ashes, to the astonishment of the company; upon which the vestal virgins sent her away, to require him to pursue what he had then in his thoughts, for the good of his country, since the goddess, by this sign, had given great light to his safety and glory.†

It is not improbable, that this pretended prodigy was projected between Cicero and Terentia; whose sister, likewise, being one of the vestal virgins, and having the direction of the whole ceremony, might help to effect, without suspicion, what had been privately concerted amongst them. For it was of great use to Cicero, to possess the minds of the people, as strongly as he could, with an apprehen-

* Ut abdicato magistratu, Lentulus, itemque cæteri in liberis custodiis habeantur. Itaque Lentulus, P. Lentulo Spintheri, qui tum Ædilis erat; Cethegus Cornificio, &c. Sallust. 47.

† Plut. in Cic.

sion of their danger, for the sake of disposing them the more easily to approve the resolution, that he had already taken in his own mind, of putting the conspirators to death.

The day following, the senate ordered public rewards to the ambassadors and Vulturcius, for their faithful discoveries;* and, by the vigour of their proceedings, seemed to shew an intention of treating their prisoners with the last severity. The city, in the meanwhile, was alarmed with the rumour of fresh plots, formed by the slaves and dependents of Lentulus and Cethegus, for the rescue of their masters;† which obliged Cicero to reinforce his guards; and, for the prevention of all such attempts, to put an end to the whole affair, by bringing the question of their punishment, without farther delay, before the senate; which he summoned for that purpose the next morning.

The debate was of great delicacy and importance: to decide upon the lives of citizens of the first rank. Capital punishments were rare and ever odious in Rome, whose laws were of all others the least sanguinary: banishment, with confiscation of goods, being the ordinary punishment for the greatest crimes. The senate, indeed, as it has been said above, in cases of sudden and dangerous tumults, claimed the prerogative of punishing the leaders with death, by the authority of their own decrees: but this was looked upon as a stretch of power, and an infringement of the rights of the people, which nothing could excuse, but the necessity of times, and the extremity of danger. For there was an old law of Porcius Læca, a tribune, which granted to all criminals, capitally condemned, an appeal to the people; and a later one of C. Gracchus, to prohibit the taking away the life of any citizen, without a

* Præmia legatis allobrogum, titoque Vulturcio dedistis amplissima. In Catil. 4. 3.

† Liberti et pauci ex clientibus Lentuli opifices atque servitia in vicis ad eum eripiendum sollicitabant.—Cethegus autem per nuncios familiam, atque libertos suos, lectos et exercitatos in audaciam orabat, ut, grege facto, cum telis ad sese irrumperent. Sallust. 50.

formal hearing before the people:* so that some senators, who had concurred in all the previous debates, withdrew themselves from this, to shew their dislike of what they expected to be the issue of it, and to have no hand in putting Roman citizens to death by a vote of the senate.† Here then was ground enough for Cicero's enemies to act upon, if extreme methods were pursued: he himself was aware of it, and saw, that the public interest called for the severest punishment, his private interest the gentlest; yet he came resolved to sacrifice all regards for his own quiet, to the consideration of the public safety.

As soon, therefore, as he had moved the question, what was to be done with the conspirators; Silanus, the consul elect, being called upon to speak the first, advised, that those who were then in custody, with the rest who should afterwards be taken, should all be put to death.‡ To this all who spoke after him readily assented, till it came to J. Cæsar, then prætor-elect, who, in an elegant and elaborate speech, treated that opinion, not as cruel; since death, he said, was not a punishment, but relief to the miserable, and left no sense either of good or ill beyond it; but as new and illegal, and contrary to the constitution of the Republic: and, though the heinousness of the crime would justify any severity, yet the example was dangerous in a free state; and the salutary use of arbitrary power, in good hands, had been the cause of fatal mischiefs when it fell into bad; of which he produced several instances, both in other cities and their own: and though no danger could be apprehended from these times, or such a consul as Cicero, yet, in other times, and under another consul, when the sword was once

* Porcia lex virgas ab omnium civium Romanorum corpore amovit—libertatem civium lictori eripuit—C. Gracchus legem tulit, ne de capite civium Romanorum injussu vestro judicaretur. Pro Rabirio, 4.

† Video de istis, qui se populares haberi volunt, abesse non neminem, ne de capite videlicet Romani civis sententiam ferat. In Catil. 4. 5.

‡ Sallust. 50.

drawn by a decree of the senate, no man could promise what mischief it might not do before it was sheathed again: his opinion, therefore, was, that the estates of the conspirators should be confiscated, and their persons closely confined in the strong towns of Italy; and that it should be criminal for any one to move the senate or the people for any favour towards them.*

These two contrary opinions being proposed, the next question was, which of them should take place: Cæsar's had made a great impression on the assembly, and staggered even Silanus, who began to excuse and mitigate the severity of his vote;† and Cicero's friends were going forwardly into it, as likely to create the least trouble to Cicero himself, for whose future peace and safety they began to be solicitous:‡ when Cicero, observing the inclination of the house, and rising up to put the question, made his fourth speech, which now remains, on the subject of this transaction; in which he delivered his sentiments with all the skill both of the orator and the statesman; and, while he seemed to shew a perfect neutrality, and to give equal commendation to both the opinions, was artfully labouring, all the while, to turn the scale in favour of Silanus's, which he considered as a necessary example of severity in the present circumstances of the Republic.

He declared, that though it was a pleasure to him to observe the concern and solicitude which the senate had expressed on his account, yet he begged of them to lay it all aside, and, without any regard to him, to think only of themselves and their families: that he was willing to suffer any persecution, if, by his labours, he could secure their dignity and safety: that his life had been oft attempted in the Forum, the field of Mars, the senate, his own house, and in his very bed: that, for their quiet, he had digested

* Sallust. 51.

† Ut Silanum, consulem designatum non piguerit sententiam suam, quia mutare turpe erat, interpretatione lenire. Sueton. J. Cæs. 14.

‡ Plut. in Cic.

many things against his will, without speaking of them; but, if the gods would grant that issue to his consulship, of saving them from a massacre, the city from flames, all Italy from war, let what fate soever attend himself, he would be content with it.* He presses them, therefore, to turn their whole care upon the state: that it was not a Gracchus, or a Saturninus, who was now in judgment before them; but traitors, whose design it was to destroy the city by fire, the senate and people by a massacre; who had solicited the Gauls, and the very slaves, to join with them in their treason, of which they had all been convicted by letters, hands, seals, and their own confessions.†—That the senate, by several previous acts, had already condemned them; by their public thanks to him; by deposing Lentulus from his prætorship; by committing them to custody; by decreeing a thanksgiving; by rewarding the witnesses: but, as if nothing had yet been done, he resolved to propose to them anew the question both of the fact and the punishment: that, whatever they intended to do, it must be determined before night: for the mischief was spread wider than they imagined; had not only infected Italy, but crossed the Alps, and seized the provinces; that it was not to be suppressed by delay and irresolution, but by quick and vigorous measures;‡ that there were two opinions now before them: the first, of Silanus, for putting the criminals to death; the second of Cæsar, who, excepting death, was for every other way of punishing; each, agreeably to his dignity, and the importance of the cause, was for treating them with the last severity: the one thought, that those who had attempted to deprive them all of life, and to extinguish the very name of Rome, ought not to enjoy the benefit of living a moment; and he had shewed withal, that this punishment had often been inflicted on seditious citizens: the other imagined, that death was not designed by the gods for a punishment, but

* In Catil. 4. 1. † Ib. 2. ‡ Ib. 3.

the cure of our miseries: so that the wise never suffered it unwillingly, the brave often sought it voluntarily; but that bonds and imprisonment, especially if perpetual, were contrived for the punishment of detestable crimes: these, therefore, he ordered to be provided for them in the great towns of Italy: yet, in this proposal, there seemed to be some injustice, if the senate was to impose that burden upon the towns, or some difficulty, if they were only to desire it: yet, if they thought fit to decree it, he would undertake to find those, who would not refuse to comply with it for the public good: that Cæsar, by adding a penalty on the towns, if any of the criminals should escape, and enjoining so horrible a confinement, without a possibility of being released from it, had deprived them of all hope, the only comfort of unhappy mortals: he had ordered their estates also to be confiscated, and left them nothing but life, which, if he had taken away, he would have eased them at once of all farther pain, either of mind or body; for it was on this account that the ancients invented those infernal punishments of the dead, to keep the wicked under some awe in this life, who, without them, would have no dread of death itself.* That, for his own part, he saw how much it was his interest that they should follow Cæsar's opinion, who had always pursued popular measures; and, by being the author of that vote, would secure him from any attack of popular envy: but, if they followed Silanus's, he did not know what trouble it might create to himself; yet that the service of the Republic ought to supersede all considerations of his danger: that Cæsar, by this proposal, had given them a perpetual pledge of his affection to the state, and shewed the difference between the affected lenity of their daily declaimers, and a mind truly popular, which sought nothing but the real good of the people: that he could not but ob-

* Itaque ut aliqua in vita formido improbis esset posita, apud inferos ejusmodi quædam illi antiqui supplicia impiis constituta esse voluerunt, quod videlicet intelligebant, his remotis, non esse mortem ipsam pertimescendam. Ib. 4.

serve, that one of those, who valued themselves on being popular, had absented himself from this day's debate, that he might not give a vote upon the life of a citizen; yet, by concurring with them in all their previous votes, he had already passed a judgment on the merits of the cause; that, as to the objection urged by Cæsar, of Gracchus's law, forbidding to put citizens to death, it should be remembered, that those, who were adjudged to be enemies, could no longer be considered as citizens; and that the author of that law had himself suffered death by the order of the people: that since Cæsar, a man of so mild and merciful a temper, had proposed so severe a punishment, if they should pass it into an act, they would give him a partner and companion, who would justify him to the people; but, if they preferred Silanus's opinion, it would be easy still to defend both them and himself from any imputation of cruelty: for he would maintain it, after all, to be the gentler of the two; and, if he seemed to be more eager than usual in this cause, it was not from any severity of temper, for no man had less of it, but out of pure humanity and clemency. Then, after forming a most dreadful image of the city reduced to ashes, of heaps of slaughtered citizens, of the cries of mothers and their infants, the violation of the vestal virgins, and the conspirators insulting over the ruins of their country; he affirms it to be the greatest cruelty to the Republic, to shew any lenity to the authors of such horrid wickedness; unless they would call L. Cæsar cruel, for declaring the other day, in the senate, that Lentulus, who was his sister's husband, had deserved to die: that they ought to be afraid rather of being thought cruel for a remissness of punishing, than for any severity which could be used against such outrageous enemies: that he would not conceal from them what he had heard to be propagated through the city, that they had not sufficient force to support and execute

their sentence:* but he assured them, that all things of that kind were fully provided; that the whole body of the people was assembled for their defence; that the Forum, the temples, and all the avenues of the senate, were possessed by their friends; that the equestrian order vied with the senate itself in their zeal for the Republic: whom, after a dissension of many years, that day's cause had entirely reconciled and united with them: and, if that union, which his consulship had confirmed was preserved and perpetuated, he was confident that no civil or domestic evil could ever again disturb them.†—That, if any of them were shocked by the report of Lentulus's agents running up and down the streets, and soliciting the needy and silly to make some effort for his rescue; the fact, indeed, was true, and the thing had been attempted; but not a man was found so desperate, who did not prefer the possession of his shed, in which he worked, his little hut and bed, in which he slept, to any hopes of change from the public confusion: for all their subsistence depended on the peace and fulness of the city; and, if their gain would be interrupted by shutting up their shops, how much more would it be so by burning them? Since the people, then, were not wanting in their zeal and duty towards them, it was their part not to be wanting to the people.‡ That they had a consul snatched from various dangers and the jaws of death, not for the preservation of his own life, but of their security; such a consul, as they would not always have, watchful for them, regardless of himself: they had, also, what was never known before, the whole Roman people, of one and the same mind; that they should reflect how one night had almost demolished the mighty fabric of their empire, raised by such pains and virtue of men, by such favour and kindness of the gods: that, by their behaviour on that day, they were to provide, that the same thing

* Ib. 6. † Ib. 7. ‡ Ib. 8.

should not only never be attempted, but not so much as thought of again by any citizen.* That, as to himself, though he had now drawn upon him the enmity of the whole band of conspirators, he looked upon them as a base, abject, contemptible faction; but if, through the madness of any, it should ever rise again, so as to prevail against the senate and the Republic, yet he should never be induced to repent of his present conduct; for death, with which, perhaps, they would threaten him, was prepared for all men; but none ever acquired that glory of life, which they had conferred upon him by their decrees: for, to all others they decreed thanks for having served the Republic successfully; to him alone for having saved it. He hoped, therefore, that there might be some place for his name among the Scipios, Paluses, Mariuses, Pompeys; unless it were thought a greater thing to open their way into new provinces, than to provide that their conquerors should have a home at last to return to: that the condition, however, of a foreign victory, was much better than of a domestic one; since a foreign enemy, when conquered, was either made a slave or a friend: but when citizens once turn rebels, and are baffled in their plots, one can neither keep them quiet by force, nor oblige them by favours: that he had undertaken, therefore, an eternal war with all traitorous citizens; but was confident that it would never hurt either him or his, while the memory of their past dangers subsisted, or that there could be any force strong enough to overpower the present union of the senate and the knights.† That in lieu, therefore, of the command of armies and provinces, which he had declined; of a triumph, and all other honours, which he had refused; he required nothing more from them, than the perpetual remembrance of his consulship: while that continued fixed in their minds, he should think himself impregnable: but if the violence of the factious should ever defeat his hopes,

* Ib. 9. † Ib. 10.

he recommended to them his infant son, and trusted, that it would be a sufficient guard, not only of his safety, but of his dignity, to have it remembered, that he was the son of one, who, at the hazard of his own life, had preserved the lives of them all. He concludes, by exhorting them to act with the same courage which they had hitherto shewn through all this affair, and to proceed to some resolute and vigorous decree; since their lives and liberties, the safety of the city, of Italy, and the whole empire depended upon it.

This speech had the desired effect; and Cicero, by discovering his own inclination, gave a turn to the inclination of the senate; when Cato, one of the new tribunes, rose up, and, after extolling Cicero to the skies,* and recommending to the assembly the authority of his example and judgment, proceeded to declare, agreeably to his temper and principles, that he was surprised to see any debate about the punishment of men, who had begun an actual war against their country: that their deliberation should be, how to secure themselves against them, rather than how to punish them; that other crimes might be punished after commission, but, unless this was prevented before its effect, it would be vain to seek a remedy after: that the debate was not about the public revenues, or the oppressions of the allies, but about their own lives and liberties; not about the discipline or manners of the city, on which he had oft delivered his mind in that place; nor about the greatness or prosperity of their empire; but whether they or their enemies should possess that empire; and, in such a case, there could be no room for mercy: that they had long since lost and confounded the true names of things: to give away other people's money was called generosity; and, to attempt what was criminal, fortitude. But if they must

* Quæ omnia quia Cato laudibus extulerat in cœlum. [Ep. ad Att. 12. 21.] ita consulis virtutem amplificavit, ut universus senatus in ejus sententiam transiret. Vell. Pat. 2. 35.

needs be generous, let it be from the spoils of the allies; if merciful, to the plunderers of the treasury; but let them not be prodigal of the blood of citizens, and by sparing a few bad, destroy all the good: that Cæsar, indeed, had spoken well and gravely concerning life and death; taking all infernal punishments for a fiction, and ordering the criminals, therefore, to be confined in the corporate towns: as if there was not more danger from them in those towns, than in Rome itself, and more encouragement to the attempts of the desperate, where there was less strength to resist them: so that his proposal could be of no use, if he was really afraid of them: but if, in the general fear, he alone had none, there was the more reason for all the rest to be afraid for themselves: that they were not deliberating on the fate only of the conspirators, but of Catiline's whole army, which would be animated or dejected, in proportion to the vigour or remissness of their decrees: that it was not the arms of their ancestors which made Rome so great, but their discipline and manners; which were now depraved and corrupted: that, in the extremity of danger, it was a shame to see them so indolent and irresolute, waiting for each other to speak first, and trusting, like women, to the gods, without doing any thing for themselves: that the help of the gods was not to be obtained by idle vows and supplications: that success attended the vigilant, the active, the provident; and when people gave themselves up to sloth and laziness, it was in vain for them to pray; they would find the gods angry with them: that the flagitious lives of the criminals confuted every argument of mercy: that Catiline was hovering over them with an army, while his accomplices were within the walls, and in the very heart of the city; so that, whatever they determined, it could not be kept secret, which made it the more necessary to determine quickly. Wherefore, his opinion was, that since the criminals had been convicted, both by testimony

and their own confession, of a detestable treason against the Republic, they should suffer the punishment of death, according to the custom of their ancestors.*

Cato's authority, added to the impression which Cicero had already made, put an end to the debate; and the senate, applauding his vigour and resolution, resolved upon a decree in consequence of it.† And, though Silanus had first proposed that opinion, and was followed in it by all the consular senators, yet they ordered the decree to be drawn in Cato's words, because he had delivered himself more fully and explicitly upon it, than any of them.‡ The vote was no sooner passed, than Cicero resolved to put it in execution, lest the night, which was coming on, should produce any new disturbance: he went directly, therefore, from the senate, attended by a numerous guard of friends and citizens, and took Lentulus from the custody of his kinsman, Lentulus Spinther, and conveyed him through the Forum to the common prison, where he delivered him to the executioners, who presently strangled him. The other conspirators, Cethegus, Statilius, and Gabinius, were conducted to their execution by the prætors, and put to death in the same manner, together with Ceparius, the only one of their accomplices, who was taken after the examination.‖ When the affair was over, Cicero was conducted home in a kind of triumph by the whole body of the senate and the knights; the streets being all illuminated, and the women and children at the windows, and on the tops of houses, to see him pass along, through infinite acclamations of the multitude, proclaiming him their saviour and deliverer.§

This was the fifth of December, those celebrated Nones, of which Cicero used to boast so much ever after, as the most glorious day of his life: and, it is

* Sallust. 52. † Ib. 53.
‡ Idcirco in ejus sententiam est facta discessio. Ad Att. 12. 21.
‖ Sallust. 55. § Plut. in Cic.

certain, that Rome was indebted to him on this day for one of the greatest deliverances, which it had ever received since its foundation; and which, nothing, perhaps, but his vigilance and sagacity, could have so happily effected: for, from the first alarm of the plot, he never rested, night or day, till he had got full information of the cabals and councils of the conspirators:* by which he easily baffled all their projects, and played with them as he pleased; and, without any risk to the public, could draw them on just far enough to make their guilt manifest, and their ruin inevitable. But his master-piece was the driving Catiline out of Rome, and teazing him, as it were, into a rebellion, before it was ripe, in hopes, that, by carrying out with him his accomplices, he would clear the city, at once, of the whole faction; or, by leaving them behind, without his head to manage them, would expose them to sure destruction, by their own folly: for Catiline's chief trust was not on the open force, which he had provided in the field, but on the success of his secret practices in Rome, and on making himself master of the city; the credit of which, would have engaged to him of course, all the meaner sort, and induced all others through Italy, who wished well to his cause, to declare for him immediately: so that, when this apprehension was over, by the seizure and punishment of his associates, the senate thought the danger at an end, and that they had nothing more to do, but to vote thanksgivings and festivals; looking upon Catiline's army, as a crew only of fugitives, or banditti, whom their forces were sure to destroy whenever they could meet with them.

But Catiline was in condition still, to make a stouter resistance than they imagined: he had filled up his troops to the number of two legions, or about twelve thousand fighting men; of which a fourth part only was completely armed, the rest furnished

* In eo omnes dies, noctesque consumsi, ut quid agerent, quid molirentur, sentirem ac viderem. In Catil. 3. 2.

with what chance offered, darts, lances, clubs. He refused, at first, to enlist slaves, who flocked to him in great numbers, trusting to the proper strength of the conspiracy, and knowing that he should quickly have soldiers enough, if his friends performed their part at home.* So that, when the consul Antonius approached towards him with his army, he shifted his quarters, and made frequent motions and marches through the mountains, sometimes towards Gaul, sometimes towards the city, in order to avoid an engagement till he could hear some news from Rome; but, when the fatal account came, of the death of Lentulus and the rest, the face of his affairs began presently to change, and his army to dwindle apace, by the desertion of those, whom the hopes of victory and plunder had invited to his camp: His first attempt, therefore, was by long marches and private roads through the Appennine, to make his escape into Gaul: but Q. Metellus, who had been sent thither before by Cicero, imagining that he would take that resolution, had secured all the passes, and posted himself so advantageously, with an army of three legions, that it was impossible for him to force his way on that side; whilst, on the other, the consul Antonius, with a much greater force, blocked him up behind, and inclosed him within the mountains.† Antonius himself had no inclination to fight, or, at least, with Catiline; but would willingly have given him an opportunity to escape, had not his quæstor Sextius, who was Cicero's creature, and his lieutenant Petreius, urged him on against his will, to force Catiline to the necessity of a battle :‡ who, seeing all things desperate, and nothing left but

* Sperabat propediem magnas copias se habiturum, si Romæ socii incepta patravissent—interea servitia repudiabat. Sallust. 56.

‡ Ib. 57.

† Hoc breve dicam: si M. Petreii non excellens animo et amore Reip. virtus, non summa auctoritas apud milites, non mirificus usus in re militari extitisset, neque adjutor ei P. Sextius ad excitandum Antonium, cohortandum, ac impellendum fuisset, datus illo in bello esset hiemi locus, &c.

Sextius, cum suo exercitu, summa celeritate est Antonium consecutus. Hic ego quid prædicem, quibus rebus consulem ad rem gerendam excitarit; quot stimulos admoverit, &c. Pro Sext. 5.

either to die or conquer, resolved to try his fortune against Antonius, though much the stronger, rather than Metellus; in hopes still, that out of regard to their former engagements, he might possibly contrive some way, at last, of throwing the victory into his hands.* But, Antonius happened to be seized, at that very time, with a fit of the gout, or pretended, at least, to be so, that he might have no share in the destruction of an old friend: so that the command fell, of course, to a much better soldier and honester man, Petreius; who, after a sharp and bloody action, in which he lost a considerable part of his best troops, destroyed Catiline and his whole army, fighting desperately to the last man.† They all fell in the very ranks in which they stood, and, as if inspired with the genuine spirit of their leader, fought, not so much to conquer, as to sell their lives as dear as they could; and, as Catiline had threatened in the senate, to mingle the public calamity with their own ruin.

Thus ended this famed conspiracy; in which some of the greatest men in Rome were suspected to be privately engaged, particularly Crassus and Cæsar: they were both influenced by the same motive, and might hope, perhaps, by their interest in the city, to advance themselves, in the general confusion, to that sovereign power which they aimed at. Crassus, who had always been Cicero's enemy, by an officiousness of bringing letters and intelligence to him, during the alarm of the plot, seemed to betray a consciousness of some guilt;‡ and Cæsar's whole life made it probable, that there could hardly be any plot in which he had not some share; and in this, there was so general a suspicion upon him, especially after his speech in favour of the criminals, that he had some difficulty to escape with life from the rage of the knights, who guarded the avenues of the senate; where he durst not venture to appear any

* Αἴτιον δὲ, ὅτι ἐλπίδα αὐτοῦ κατὰ τὸ συνωμοτὸν ἐθελοκακήσειν ἔσχεν. Dio, l. 37. p. 47.
† Sallust. 59. ‡ Plut. in Cic.

more, till he entered upon his prætorship with the new year.* Crassus was actually accused, by one Tarquinius, who was taken upon the road as he was going to Catiline, and, upon promise of pardon, made a discovery of what he knew; where, after confirming what the other witnesses had deposed, he added, that he was sent by Crassus to Catiline, with advice to him, not to be discouraged by the seizure of his accomplices, but to make the greater haste, for that reason, to the city, in order to rescue them, and revive the spirits of his other friends. At the name of Crassus the senate was so shocked, that they would hear the man no farther; but calling upon Cicero to put the question, and take the sense of the house upon it, they voted Tarquinius's evidence to be false, and ordered him to be kept in chains, nor to be produced again before them, till he would confess who it was that had suborned him.† Crassus declared, afterwards, in the hearing of Sallust, that Cicero was the contriver of this affront upon him.‡ But, that does not seem probable; since it was Cicero's constant maxim, as he frequently intimates in his speeches, to mitigate and reclaim all men of credit by gentle methods, rather than make them desperate by an unseasonable severity; and, in the general contagion of the city, not to cut off, but to heal every part that was curable. So that, when some information was given likewise against Cæsar, he chose to stifle it, and could not be persuaded to charge him with the plot, by the most pressing solicitations of Catulus and Piso, who were both his particular enemies; the one for the loss of the high priesthood, the other for the impeachment abovementioned.*

* *Uti* nonnulli Equites Romani, qui præsidii causa cum telis erant circum ædem Concordiæ—egredienti ex senatu Cæsari gladio minitarentur. Sallust. 49. Vix pauci complexu, togaque objecta protexerint. Tunc plane deterritus non modo cessit, sed etiam in reliquum anni tempus curia abstinuit. Sueton. J. Cæs. 14.

† Sallust. 43.

‡ Ipsum Crassum ego postea prædicantem audivi, tantam illam contumeliam sibi a Cicerone inpositam. Ib.

§ Appian. Bell. civ. l. 2. p. 430. Sallust. 49.

Whilst the sense of all these services was fresh, Cicero was repaid for them to the full of his wishes, and, in the very way that he desired, by the warm and grateful applauses of all orders of the city. For, besides the honours already mentioned, L. Gellius, who had been consul and censor, said, in a speech to the senate, that the Republic owed him a civic crown, for having saved them all from ruin:* and Catulus, in a full house, declared him the father of his country;† as Cato likewise did from the rostra, with the loud acclamations of the whole people:‡ whence Pliny, in honour of his memory, cries out, "Hail thou, who wast first saluted the "parent of thy country."§ This title, the most glorious which a mortal can wear, was, from this precedent, usurped afterwards by those, who, of all mortals, deserved it the least, the emperors; proud to extort from slaves and flatterers, what Cicero obtained from the free vote of the senate and people of Rome.

——————————*Roma parentem,*
Roma patrem patriæ Ciceronem libera dixit. Juv. 8.

Thee, Cicero, Rome while free, nor yet enthrall'd
To tyrant's will, thy country's parent call'd.

All the towns of Italy followed the example of the metropolis, in decreeing extraordinary honours to him; and, Capua in particular, chose him their patron, and erected a gilt statue to him.‖

Sallust, who allows him the character of an excellent consul, says not a word of any of these honours, nor gives him any greater share of praise, than what could not be dissembled by an historian. There are two obvious reasons for this reservedness; first, the personal enmity, which, according to tradition, subsisted between them; secondly, the

* L. Gellius, his audientibus, civicam coronam deberi a Republica dixit. In Pison. 3. it. A. Gell. 5, 6.

† Me Q. Catulus, princeps hujus ordinis, frequentissimo senatu Parentem Patriæ nominavit. In Pis. 3.

‡ Plut. in Cic.—Κάτωνος δ' ἀντὶν καὶ πατέρα τῆς πατρίδος προσαγορεύσαντος, ἐπεβόησεν ὁ δῆμος. Appian. p. 481.

§ Salve, primus omnium parens patriæ appellate, &c. Plin. Hist. N. 7. 30.

‖ Me inaurata statua donarunt: me patronum unum adsciverant. In Pis. 11.

time of publishing his history, in the reign of Augustus, while the name of Cicero was still obnoxious to envy. The other consul, Antonius, had but a small share of the thanks and honours which were decreed upon this occasion: he was known to have been embarked in the same cause with Catiline, and considered as acting only under a tutor, and doing penance, as it were, for past offences: so that all the notice, which was taken of him by the senate, was, to pay him the slight compliment abovementioned, for having removed his late profligate companions from his friendship and councils.*

Cicero made two new laws this year; the one, as it has been said, against bribery in elections; the other, to correct the abuse of a privilege called legatio libera; that is, an honorary legation or embassy, granted arbitrarily by the senate to any of its members, when they travelled abroad on their private affairs, in order to give them a public character, and a right to be treated as ambassadors or magistrates: which, by the insolence of these great guests, was become a grievous burthen upon all the states and cities through which they passed. Cicero's design was to abolish it; but, being driven from that by one of the tribunes, he was content to restrain the continuance of it, which before was unlimited to the term of one year.†

At his first entrance into his office, L. Lucullus was soliciting the demand of a triumph for his victories over Mithridates, in which he had been obstructed for three years successively, by the intrigues of some of the magistrates,‡ who paid their court to Pompey, by putting this affront upon his rival. By the law and custom of the Republic, no general,

* Atque etiam collegæ meo laus impertitur, quod eos qui hujus conjurationis participes fuissent, a suis et a Reip. consiliis removisset. In Catil. 3. 6.

† Jam illud apertum est, nihil esse turpius, quam quenquam legari nisi Reipub. causa—quod quidem genus legationis ego consul, quanquam ad commodum senatus pertinere videatur, tamen ad probante senatu frequentissimo, nisi mihi levis tribunus plebis tum intercessisset, sustulissem: minui tamen tempus, et quod erat infinitum, annuum feci. De leg. 3. 8.

‡ Plut. in Lucull.

while he was in actual command, could come within the gates of Rome, without forfeiting his commission, and, consequently, all pretensions to a triumph; so that Lucullus continued, all this time, in the suburbs, till the affair was decided. The senate favoured his suit, and were solicitors for him,* but could not prevail, till Cicero's authority, at last, helped to introduce his triumphal car into the city;† making him some amends, by this service, for the injury of the Manilian law, which had deprived him of his government. After his triumph, he entertained the whole Roman people with a sumptuous feast, and was much caressed by the nobility, as one, whose authority would be a proper check to the ambition and power of Pompey: but, having now obtained all the honours, which he could reasonably hope for in life, and, observing the turbulent and distracted state of the city, he withdrew himself, not long after, from public affairs, to spend the remainder of his days in a polite and splendid retreat.‡ He was a generous patron of learning, and himself eminently learned; so that his house was the constant resort of the principal scholars and wits of Greece and Rome; where he had provided a well-furnished library, with porticos and galleries annexed, for the convenience of walks and literary conferences, at which he himself used frequently to assist; giving an example to the world, of a life truly noble and elegant, if it had not been sullied by too great a tincture of Asiatic softness and Epicurean luxury.

After this act of justice to Lucullus, Cicero had an opportunity, before the expiration of his consulship, to pay all due honour, likewise, to his friend Pompey; who, since he last left Rome, had gloriously finished the Piratic and Mithridatic war, by

* Plut. in Lucull.

† Cum victor a Mithridatico bello revertisset, inimicorum calumnia triennio tardius, quam debuerat, triumphavit. Nos enim consules introduximus pæne in urbem urrum clarissimi viri. Academ. l. 2. 1.

‡ Plut. in Lucull.

the destruction of Mithridates himself: upon the receipt of which news, the senate, at the motion of Cicero, decreed a public thanksgiving in his name, of ten days; which was twice as long as had ever been decreed before to any general, even to Marius himself, for his Cimbric victory.*

But, before we close the account of the memorable events of this year, we must not omit the mention of one, which distinguished it afterwards, as a particular era in the annals of Rome, the birth of Octavius, surnamed Augustus, which happened on the 23d of September. Velleius calls it an accession of glory to Cicero's consulship:† but it excites speculations rather of a different sort; on the inscrutable methods of Providence, and the short-sighted policy of man; that, in the moment when Rome was preserved from destruction, and its liberty thought to be established more firmly than ever, an infant should be thrown into the world, who, within the course of twenty years, effected what Catiline had attempted, and destroyed both Cicero and the Republic. If Rome could have been saved by human council, it would have been saved by the skill of Cicero; but its destiny was now approaching: for governments, like natural bodies, have, with the principles of their preservation, the seeds of ruin also essentially mixed in their constitution, which, after a certain period, begin to operate and exert themselves to the dissolution of the vital frame. These seeds had long been fermenting in the bowels of the Republic; when Octavius came, peculiarly formed by nature, and instructed by art, to quicken their operation and exalt them to their maturity.

Cicero's administration was now at an end, and nothing remained but to resign the consulship, according to custom, in an assembly of the people,

* Quo consule referente, primum decem dierum supplicatio decreta Cn. Pompeio Mithridateinterfecto; cujus sententia primum duplicata est supplicatio consularis. De provinc. Consular. xi.

† Consulatui Ciceronis non mediocre adjecit decus, natus eo anno D. Augustus. Vell. 2. 36. Sueton. c. 5. Dio, p. 590.

and to take the usual oath, of his having discharged it with fidelity. This was generally accompanied with a speech from the expiring consul; and, after such a year, and from such a speaker, the city was in no small expectation of what Cicero would say to them: but Metellus, one of the new tribunes, who affected commonly to open their magistracy by some remarkable act, as a specimen of the measures which they intended to pursue, resolved to disappoint both the orator and the audience: for, when Cicero had mounted the rostra, and was ready to perform this last act of his office, the tribune would not suffer him to speak, or to do any thing more, than barely take the oath; declaring, that he, who had put citizens to death unheard, ought not to be permitted to speak for himself: upon which Cicero, who was never at a loss, instead of pronouncing the ordinary form of the oath, exalting the tone of his voice, swore out aloud, so as all the people might hear him, that he had saved the Republic and the city from ruin; which the multitude below confirmed with an universal shout, and with one voice, cried out, that what he had sworn was true.* Thus the intended affront was turned, by his presence of mind, to his greater honour; and he was conducted from the Forum to his house, with all possible demonstrations of respect, by the whole city.

* Ego cum in concione, abiens magistratu, dicere a tribuno plebis prohiberer, quæ constitueram: cumque is mihi, tantummodo ut jurarem, permitteret, sine ulla dubitatione juravi, rempublicam atque hanc urbem mea unius opera esse salvam. Mihi populus Romanus universus non unius diei gratulationem, sed æternitatem immortalitatemque donavit, cum meum jusjurandum tale atque tantum juratus ipse una voce et consensu approbavit. Quo quidem tempore is meus domum fuit e foro reditus, ut nemo, nisi qui mecum esset, civium esse in numero videretur. In Pison. 3.

Cum ille mihi nihil nisi ut jurarem permitteret, magna voce juravi verissimum pulcherrimumque jusjurandum: quod populus item magna voce me vere jurasse juravit. Ep. fam. 5. 2.

Etenim paullo ante in concione dixerat, ei, qui in alios animadvertisset indicta caussa, dicendi ipsi potestatem fieri non oportere. Ib.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Murena.

SECTION IV.

CICERO being now reduced to the condition of a private senator, was to take his place on the venerable bench of consulars, who were justly reckoned the first citizens of the Republic. They delivered their opinions the first always in the senate; and, commonly, determined the opinions of the rest: for, as they had passed through all the public offices, and been conversant in every branch of the administration, so their experience gave them great authority in all debates; and, having little or nothing farther to expect for themselves, they were esteemed, not only the most knowing, but, generally speaking, the most disinterested of all the other senators, and to have no other view in their deliberations, but the peace and prosperity of the Republic.

This was a station exactly suited to Cicero's temper and wishes; he desired no foreign governments, or command of armies; his province was the senate and the Forum; to guard, as it were, the vitals of the empire, and to direct all its councils to their proper end—the general good; and, in this advanced post of a consular senator, as in a watch-tower of the state, to observe each threatening cloud and rising storm, and give the alarm to his fellow-citizens from what quarter it was coming, and by what means its effects might be prevented.* This, as he frequently intimates, was the only glory that he sought, the comfort with which he flattered himself, that, after a life of ambition and fatigue, and a course of faithful services to the Republic, he should enjoy a quiet and secure old age, beloved and honoured by his countrymen, as the constant champion and defender of all their rights and liberties. But he

* Idcirco in hac custodia et tanquam in specula collocati sumus, ut vacuum omni metu populum Romanum nostra vigilia et prospicientia redderemus. Phil. 7. 7.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

soon found himself mistaken, and, before he had quitted his office, began to feel the weight of that envy, which is the certain fruit of illustrious merit: for the vigour of his consulship had raised such a zeal and union of all the honest, in the defence of the laws, that till this spirit could be broken, or subside again, it was in vain for the ambitious to aim at any power, but through the ordinary forms of the constitution; especially while he, who was the soul of that union, continued to flourish in full credit at the head of the senate. He was now, therefore, the common mark, not only of all the factious, against whom he had declared perpetual war, but of another party, not less dangerous, the envious too; whose united spleen never left pursuing him from this moment, till they had driven him out of that city, which he had so lately preserved.

The tribune Metellus began the attack; a fit leader for the purpose; who, from the nobility of his birth, and the authority of his office, was the most likely to stir up some ill humour against him, by insulting and reviling him, in all his harangues, for putting citizens to death without a trial: in all which he was strenuously supported by Cæsar, who pushed him on, likewise, to the promulgation of several pestilent laws, which gave great disturbance to the senate. Cicero had no inclination to enter into a contest with the tribune, but took some pains to make up the matter with him, by the interposition of the women; particularly of Claudia, the wife of his brother Metellus, and of their sister Mucia, the wife of Pompey; he employed, also, several common friends, to persuade him to be quiet, and desist from his rashness; but his answer was, that he was too far engaged, and had put it out of his power;* so that Cicero had nothing left, but to exert all his vigour and eloquence, to repel the insults of this petulant magistrate.

* Quibus ille respondit, sibi non esse integrum. Ep. fam. 5. 2.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

Cæsar, at the same time, was attacking Catulus with no less violence; and being now in possession of the prætorship, made it the first act of his office to call him to an account for embezzling the public money, in rebuilding the Capitol; and proposed also a law, to efface his name from the fabric, and grant the commission for finishing what remained to Pompey: but the senate bestirred themselves so warmly in the cause, that Cæsar was obliged to drop it.* This experiment convinced the two magistrates, that it was not possible for them to make head against the authority of the senate, without the help of Pompey, whom they resolved, therefore, by all the arts of address and flattery, to draw into their measures. With this view, Metellus published a law, to call him home, with his army, in order to settle the state, and quiet the public disorders, raised by the temerity of Cicero:† for, by throwing all power into his hands, they hoped to come in for a share of it with him, or to embroil him, at least, with the senate, by exciting mutual jealousies between them: but their law was thought to be of so dangerous a tendency, that the senate changed their habit upon it, as in the case of a public calamity; and, by the help of some of the tribunes, particularly of Cato, resolved to oppose it to the utmost of their power: so that, as soon as Metellus began to read it to the people, Cato snatched it away from him; and, when he proceeded still to pronounce it by heart, Minucius, another tribune, stopped his mouth with his hand. This threw the assembly into confusion, and raised great commotions in the city; till the senate, finding themselves supported by the better sort of all ranks, came to a new and vigorous resolution, of suspending both Cæsar and Metellus from the execution of their offices.‡

* Sueton. J. Cæs. 15. Dio. l. 37. p. 49.

† Dio, ib. Plut. in Cic.

‡ Donec ambo administratione Reipub. decreto patrum summoverentur. Sueton. J. Cæs. 16.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

Cæsar resolved, at first, to act in defiance of them; but, finding a strong force prepared to control him, thought it more advisable to retire, and reserve the trial of arms, till he was better provided for it: he shut himself up, therefore, in his house, where, by a prudent and submissive behaviour, he soon made his peace, and got the decree of their suspension reversed.* But Metellus, as it was concerted, probably, among them, fled away to his brother Pompey,† that, by misrepresenting the state of things at home, and offering every thing on the part of the people, he might instil into him some prejudices against the immoderate power of Cicero and the senate, and engage him, if possible, to declare for the popular interest. Cicero, in the meanwhile, published an invective oration against Metellus, which is mentioned in his epistles, under the title of Metellina:‡ it was spoken in the senate, in answer to a speech which Metellus had made to the people, and is often cited by Quintilian and others,§ as extant in their time.

The senate having gained this victory over Cæsar and Metellus, by obliging the one to submit, the other to leave the city, Q. Metellus Celer, who commanded in Cisalpine Gaul, wrote a peevish and complaining letter to his friend Cicero, upon their treating his brother the tribune so severely: to which Cicero answered, with that freedom which a consciousness of integrity naturally dictates, yet with all the humanity which the sincerest friendship inspires; as the reader will observe from the letter itself, which affords many instructive hints, both historical and moral.

* Ut comperit paratos, qui vi ac per arma prohiberent, dimissis lictoribus, abjectaque prætexta, domum clam refugit, pro conditione temporum quieturus—quod cum præter opinionem evenisset, senatus—accitum in curiam et amplissimis verbis collaudatum, in integrum restituit, inducto priore decreto. Sueton. Ib.

† Plut. in Cic.

‡ In illam orationem Metellinam addidi quædam: liber tibi mittetur. Att. 1. 13.

§ Quint. l. 9. 3. A Gellius, 18. 7.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

M. T. CICERO to Q. METELLUS CELER, proconsul.

"You write me word, that, considering our mutual affection and late reconciliation, you never "imagined, that you should be made the subject of "public jest and ridicule by me. I do not well understand what you mean; yet guess that you have "been told, that, when I was speaking one day, in "the senate, of many, who were sorry for my having "preserved the Republic, I said, that certain relations of your's, to whom you could refuse nothing, "had prevailed with you to suppress what you had "prepared to say, in the senate, in praise of me: "when I said this, I added, that, in the affair of "saving the state, I had divided the task with you, "in such a manner, that I was to secure the city "from intestine dangers, you to defend Italy from "the open arms and secret plots of our enemies: "but, that this glorious partnership had been broken "by your friends, who were afraid of your making "me the least return for the greatest honours and "services which you had received from me. In the "same discourse, when I was describing the expectation which I had conceived of your speech, "and how much I was disappointed by it, it seemed to divert the house, and a moderate laugh ensued; not upon you, but on my mistake, and the "frank and ingenuous confession of my desire to be "praised by you. Now, in this, it must needs be "owned, that nothing could be said more honourable towards you, when, in the most shining and "illustrious part of my life, I wanted still to have "the testimony of your commendation. As to what "you say of our mutual affection, I do not know "what you reckon mutual in friendship, but I take "it to be this; when we repay the same good offices "which we receive: should I tell you, then, that I "gave up my province for your sake, you might "justly suspect my sincerity: it suited my temper

" and circumstances, and I find more and more rea-
" son, every day, to be pleased with it: but this, I
" can tell you, that I no sooner resigned it, in an as-
" sembly of the people, than I began to contrive
" how to throw it into your hands. I say nothing
" about the manner of drawing your lots; but would
" have you only believe, that there was nothing done
" in it by my colleague without my privity. Pray
" recollect what followed; how quickly I assembled
" the senate, after your allotment; how much I
" said in favour of you, when you yourself told
" me, that my speech was not only honourable to
" you, but even injurious to your colleagues. Then,
" as to the decree which passed that day, in the
" senate, it is drawn in such a strain, that, as long
" as it subsists, my good offices to you can never be
" a secret. After your departure, I desire you also
" to recollect what I did for you in the senate;
" what I said of you to the people; what I wrote to
" you myself; and, when you have laid all these
" things together, I leave it to you to judge whether,
" at your last coming to Rome, you made a suitable
" return to them. You mention a reconciliation be-
" tween us; but I do not comprehend how a friend-
" ship can be said to be reconciled which was never
" interrupted. As to what you write, that your
" brother ought not to have been treated by me so
" roughly for a word: in the first place, I beg of you
" to believe, that I am exceedingly pleased with
" that affectionate and fraternal disposition of your's,
" so full of humanity and piety; and, in the second,
" to forgive me, if, in any case, I have acted against
" your brother, for the service of the Republic, to
" which no man can be a warmer friend than my-
" self; but, if I have been acting only on the defen-
" sive, against his most cruel attacks, you may think
" yourself well used, that I have never yet troubled
" you with any complaints against him. As soon as I
" found that he was preparing to turn the whole

" force of his tribunate to my destruction, I applied
" myself to your wife Claudia, and your sister
" Mucia, whose zeal for my service I had often ex-
" perienced, on the account of my familiarity with
" Pompey, to dissuade him from that outrage:
" but he, as I am sure you have heard, on the last
" day of the year, put such an affront upon me,
" when consul, and after having saved the state,
" as had never been offered to any magistrate, the
" most traitorously affected, by depriving me of
" the liberty of speaking to the people, upon lay-
" ing down my office. But his insult turned only to
" my greater honour: for when he would not suffer
" me to do any thing more than swear, I swore, with
" a loud voice, the truest, as well as the noblest, of
" all oaths; while the people, with acclamations,
" swore likewise, that my oath was true. After so
" signal an injury, I sent to him, the very same day,
" some of our common friends, to press him to de-
" sist from his resolution of pursuing me; but his
" answer was, that it was not then in his power: for
" he had said, a few days before, in a speech to the
" people, that he, who had punished others without
" a hearing, ought not to be suffered to speak for
" himself. Worthy patriot and excellent citizen!
" to adjudge the man who had preserved the senate
" from a massacre, the city from fire, and Italy from
" a war, to the same punishment which the senate,
" with the consent of all honest men, had inflicted
" on the authors of those horrid attempts. I with-
" stood your brother, therefore, to his face; and, on
" the first of January, in a debate upon the Repub-
" lic, handled him in such a manner, as to make
" him sensible, that he had to do with a man of
" courage and constancy. Two days after, when
" he began again to harangue, in every three words
" he named and threatened me: nor had he any
" thing so much at heart, as to effect my ruin at any
" rate; not by the legal way of trial, or judicial pro-

" ceeding, but by dint of force and violence. If I " had not resisted his rashness, with firmness and " courage, who would not have thought, that the " vigour of my consulship had been owing to chance, " rather than to virtue? If you have not been in- " formed, that your brother attempted all this against " me, be assured that he concealed from you the " most material part: but, if he told you any thing " of it, you ought to commend my temper and pa- " tience, for not expostulating with you about it: " but since you must now be sensible, that my quar- " rel to your brother was not, as you write, for a " word, but a most determined and spiteful design " to ruin me, pray observe my humanity, if it may " be called by that name, and is not rather, after so " flagrant an outrage, a base remissness and abjec- " tion of mind. I never proposed any thing against " your brother, when there was any question about " him in the senate; but, without rising from my " seat, assented always to those who were for treat- " ing him the most favourably. I will add farther, " what I ought not, indeed, to have been concerned " about, yet I was not displeased to see it done, and " even assisted to get it done; I mean, the procur- " ing a decree for the relief of my enemy, because " he was your brother. I did not, therefore, attack " your brother, but defend myself only against him; " nor has my friendship to you ever been variable, " as you write, but firm and constant, so as to re- " main still the same, when it was even deserted and " slighted by you. And, at this very time, when " you almost threaten me in your letter, I give you " this answer, that I not only forgive, but highly ap- " plaud your grief; for I know, from what I feel " within myself, how great the force is of fraternal " love: but I beg of you, also, to judge with the " same equity of my cause; and if, without any " ground, I have been cruelly and barbarously at- " tacked by your friends, to allow that I ought not

A. Urb. 694. Cic. 48. Coss.—D. Junius Silanus. L. Licinius Muræna.

" only not to yield to them, but on such an occasion, " to expect the help even of you, and your army also, " against them. I was always desirous to have you " for my friend, and have taken pains to convince " you how sincerely I am your's: I am still of the " same mind, and shall continue in it as long as you " please; and, for the love of you, will sooner cease " to hate your brother, than, out of resentment to " him, give any shock to the friendship which sub- " sists between us. Adieu."*

Cicero, upon the expiration of his consulship, took care to send a particular account of his whole administration to Pompey; in hopes to prevent any wrong impression there from the calumnies of his enemies, and to draw from him some public declaration in praise of what he had been doing. But Pompey, being informed by Metellus and Cæsar, of the ill humour which was rising against Cicero, in Rome, answered him with great coldness, and, instead of paying him any compliment, took no notice at all of what had passed in the affair of Catiline: upon which Cicero expostulates with him, in the following letter, with some little resentment, yet so as not to irritate a man of the first authority in the Republic, and to whom all parties were forwardly paying their court.

M. T. Cicero to Cn. Pompeius the Great, emperor.†

" I had an incredible pleasure, in common with

* Epist. fam. 5. 2.

† The word emperor signified nothing more, in its original use, than the general or chief commander of an army: [Cic. de Orat. 1. 48.] in which sense it belonged equally to all who had supreme command in any part of the empire, and was never used as a peculiar title. But after a victory, in which some considerable advantage was gained, and great numbers of the enemy slain, the soldiers, by an universal acclamation, used to salute their general in the field with the appellation of emperor, ascribing, as it were, the sole merit of the action to his auspices and conduct. This became a title of honour, of which all commanders were proud, as being the effect of success and victory, and won by their proper valour; and it was always the first and necessary step towards a triumph. On these occasions, therefore, the title of emperor was constantly assumed, and given to generals in all acts and letters, both public and private, but was enjoyed by them no longer than the commission lasted, by which they had obtained it; that is, to the time of their return and entrance into the city, from which moment their command and title expired together of course, and they resumed their civil character, and became private citizens.

" all people, from the public letter which you sent:
" for you gave us in it that assurance of peace,
" which, from my confidence in you alone, I had al-
" ways been promising. I must tell you, however,
" that your old enemies, but new friends, are ex-
" tremely shocked and disappointed at it. As to
" the particular letter which you sent to me, though
" it brought me so slight an intimation of your friend-
" ship, yet it was very agreeable: for nothing is so
" apt to give me so much satisfaction, as the consci-
" ousness of my services to my friends; and if, at
" any time, they are not requited as they ought to
" be, I am always content that the balance of the
" account should rest on my side. I make no doubt,
" however, but that, if the distinguished zeal, which
" I have always shewn for your interests, has not
" yet sufficiently recommended me to you, the pub-
" lic interest, at least, will conciliate and unite us.
" But that you may not be at a loss to know what it
" was, which I expected to find in your letter, I will
" tell it you frankly, as my own nature and our
" friendship require. I expected, out of regard both
" to the Republic, and to our familiarity, to have
" had some compliment or congratulation from you,
" on what I lately acted in my consulship; which
" you omitted, I imagine, for fear of giving offence
" to certain persons: but I would have you to know,
" that the things which I have been doing, for the
" safety of my country, are applauded by the testi-
" mony and judgment of the whole earth; and when
" you come amongst us, you will find them done
" with so much prudence and greatness of mind,
" that you, who are much superior to Scipio, will
" admit me, who am not much inferior to Lælius, to
" a share both of your public councils and private
" friendship. Adieu."*

Soon after Catiline's defeat, a fresh inquiry was set on foot at Rome against the rest of his accom-

* Ep. fam. 5. 7.

plices, upon the information of one L. Vettius, who, among others, impeached J. Cæsar, before Novius Niger, the quæstor, as Q. Curius also did in the senate; where, for the secret intelligence which he had given very early to Cicero, he claimed the reward which had been offered to the first discoverer of the plot. He affirmed, that what he deposed against Cæsar, was told to him by Catiline himself; and Vettius offered to produce a letter to Catiline, in Cæsar's own hand. Cæsar found some difficulty to repel so bold an accusation, and was forced to implore the aid and testimony of Cicero, to prove that he also had given early information of Catiline's designs: but, by his vigour and interest in the city, he obtained a full revenge at last upon his accusers; for he deprived Curius of the reward, and got Vettius committed to prison, after he had been miserably handled, and almost killed by the mob; nor content with this, he imprisoned the quæstor Novius too, for suffering a superior magistrate to be arraigned before him.*

Several others, however, of considerable rank, were found guilty and banished; some of them not appearing to their citation, others after a trial: viz. M. Porcius Lecca, C. Cornelius, L. Vargunteius, Servius Sylla, and P. Autronius, &c. The last of these, who lost the consulship four years before, upon a conviction of bribery, had been Cicero's schoolfellow, and colleague in the quæstorship; and solicited him, with many tears, to undertake his defence: but Cicero not only refused to defend him, but, from the knowledge of his guilt, appeared as a witness against him.†

P. Sylla, also, Autronius's partner and fellow-

* Cum implorato Ciceronis testimonio, quædam se de conjuratione ultro detulisse docuisset, ne Curio præmia darentur, effecit. Vettium—pro rostris in concione pæne discerptum, in carcerem conjecit. Eodem Novium quæstorem, quod compellari apud se majorem potestatem passus esset. Sueton. J. Cæs. 17.

† Veniebat ad me, et sæpe veniebat Autronius multis cum lachrymis, supplex, ut se defenderem: se meum condiscipulum in pueritia, familiarem in adolescentia, collegam in quæstura commemorabat fuisse. Pro Sylla, 6. 30.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

sufferer in the cause of bribery, was now tried for conspiring twice with Catiline; once, when the plot proved abortive, soon after his former trial; and a second time, in Cicero's consulship: he was defended in the first by Hortensius, in the last by Cicero. The prosecutor was Torquatus, the son of his former accuser, a young nobleman of great parts and spirit, who, ambitious of the triumph of ruining an enemy, and fearing that Cicero would snatch it from him, turned his raillery against Cicero, instead of Sylla; and, to take off the influence of his authority, treated his character with great petulance, and employed every topic which could raise an odium and envy upon him: he called him a king, who assumed a power to save or destroy, just as he thought fit; said, that he was the third foreign king who had reigned in Rome after Numa and Tarquinius; and, that Sylla would have run away, and never stood a trial, if he had not undertaken his cause; whenever he mentioned the plot, and the danger of it, it was with so low and feeble a voice, that none but the judges could hear him; but when he spoke of the prison and the death of the conspirators, he uttered it in so loud and lamentable a strain, as to make the whole Forum ring with it.*

Cicero, therefore, in his reply, was put to the trouble of defending himself, as well as his client. As to Torquatus's calling him foreigner, on the account of his being born in one of the corporate towns of Italy, he owns it; and in that town, he says, whence the Republic had been twice preserved from ruin; and was glad that he had nothing to reproach him with, but what affected not only the greatest part, but the greatest men of the city; Curius, Coruncanius, Cato, Marius, &c. but since he had a mind to be witty, and would needs make him a foreigner, why did not he call him a foreign consul, rather than a king; for that would have been much more won-

* Pro Sylla, 7. 10.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

derful, since foreigners had been kings, but never consuls of Rome, he admonishes him, who was now in the course of his preferment, not to be so free of giving that title to citizens, lest he should one day feel the resentment and power of such foreigners: that if the patricians were so proud, as to treat him and the judges upon the bench as foreigners, yet Torquatus had no right to do it, whose mother was of Asculum.* "Do not call me then foreigner any "more," says he, "lest it turn upon yourself; nor a "king, lest you be laughed at, unless you think it "kingly, to live so as not to be a slave, not only to "any man, but even to any appetite; to contemn all "sensual pleasures; to covet no man's gold or sil-"ver, or any thing else; to speak one's mind freely "in the senate; to consult the good, rather than the "humour of the people; to give way to none, but "to withstand many: if you take this to be kingly, "I confess myself a king; but if the insolence of my "power, if my dominion, if any proud or arrogant "saying of mine provokes you, why do not you urge "me with that, rather than the envy of a name, and "the contumely of a groundless calumny?"—He proceeds to shew, that his kingdom, if it must be called so, was of so laborious a kind, that there was not a man in Rome who would be content to take his place.† He puts him in mind, that he was disposed to indulge and bear with his pertness, out of regard to his youth, and to his father—though no man had ever thrown the slightest aspersion upon him, without being chastised for it—but that he had no mind to fall upon one whom he could so easily vanquish; who had neither strength, nor age, nor experience enough for him to contend with: he advised him, however, not to abuse his patience much longer, lest he should be tempted at last to draw out the stings of his speech against him.‡ As to the merits of the cause, though there was no positive proof, yet

* Ib. 7, 8. † Ib. 9. ‡ Ib. 16.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

there were many strong presumptions against Sylla, with which his adversary hoped to oppress him: but Cicero endeavoured to confute him, by appealing to the tenor and character of his life; protesting, in the strongest terms, that he who had been the searcher and detector of the plot, and had taken such pains to get intelligence of the whole extent of it, had never met with the least hint or suspicion of Sylla's name in it; and that he had no other motive for defending him, but a pure regard to justice; and as he had refused to defend others, nay, had given evidence against them, from the knowledge of their guilt, so he had undertaken Sylla's defence, through a persuasion of his innocence.* Torquatus, for want of direct proof, threatened to examine Sylla's slaves by torture: this was sometimes practised, upon the demand of the prosecutor; but Cicero observes upon it, that the effect of those torments was governed always by the constitution of the patient, and the firmness of his mind and body; by the will and pleasure of the torturer, and the hopes and fears of the tortured; and that, in moments of so much anguish, there could be no room for truth: he bids them put Sylla's life to the rack, and examine that with rigour; whether there was any hidden lust, any latent treason, any cruelty, any audaciousness in it: that there could be no mistake in the cause, if the voice of his perpetual life, which ought to be of the greatest weight, was but attended to.† Sylla was acquitted; but Cicero had no great joy from his victory, or comfort in preserving such a citizen, who lived afterwards in great confidence with Cæsar, and commanded his right wing in the battle of Pharsalia;‡ and served him afterwards in his power, as he had before served his kinsman Sylla, in managing his confiscations and the sale of the forfeited estates.

About the time of this trial, Cicero bought a house of M. Crassus, on the Palatine hill, adjoining to that

* Ib. 50. † Ib. 28. ‡ Vid. Cæs. comment. de bello civili.

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

in which he had always lived with his father, and which he is now supposed to have given up to his brother Quintus. The house cost him near 30,000*l.* and seems to have been one of the noblest in Rome; it was built about thirty years before, by the famous tribune, M. Livius Drusus; on which occasion, we are told, that when the architect promised to build it for him, in such a manner, that none of his neighbours should overlook him: "But, if you have any "skill," replied Drusus, "contrive it rather so, that "the world may see what I am doing."* It was situated in the most conspicuous part of the city, near to the centre of all business, overlooking the Forum and the rostra; and, what made it the more splendid, was its being joined to a portico or colonnade, called by the name of Catulus; who built it out of the Cimbric spoils, on that area where Flaccus formerly lived, whose house was demolished by public authority, for his seditious practices with C. Gracchus.† In this purchase, he followed the rule which he recommends in his Offices, with regard to the habitation of a principal citizen; that his dignity should be adorned by his house, but not derived from it:‡ where he mentions several instances of great men, who, by the splendour of their houses, on this very hill, which were constantly striking the eyes of the people, and imprinting a notion of their magnificence, made their way the more easily to the highest honours of the Republic.

A. Gellius tells us, that, having resolved to buy the house, and wanting money to pay for it, he borrowed it privately of his client Sylla, when he was under prosecution; but the story taking wind, and

* Cum promitteret ei architectus, ita se ædificaturum, ut libera a conspectu, immunis ab omnibus arbitris esset—Tu vero, inquit, si quid in te artis est, ita compone domum meam, ut quicquid agam ab omnibus perspici possit. Vell. Pat. 2. 14. Ep. fam. 5, 6.

† M. Flaccus, quia cum Graccho contra Reipub. salutem fecerat, et senatûs sententia est interfectus, et domus ejus eversa est: in qua porticum post aliquanto Q. Catulus de manubiis Cimbricis fecit. Pr. dom. 38.

‡ Ornanda est enim dignitas domo, non ex domo tota quærenda. De Offic. 1. 39.

being charged upon him, he denied both the borrowing and design of purchasing, yet, soon after, bought the house; and, when he was reproached with the denial of it, replied only, laughing, that they must be fools to imagine, that when he had resolved to buy, he would raise competitors of the purchase by proclaiming it.*

The story was taken, probably, from some of the spurious collections of Cicero's jests; which were handed about, not only after his death, but even in his life-time, as he often complains to his friends:† for, it is certain, that there could be nothing dishonourable in the purchase, since it was transacted so publicly, that, before it was even concluded, one of his friends congratulated him upon it, by letter, from Macedonia.‡ The truth is, and what he himself does not dissemble, that he borrowed part of the money, to pay for it, at six per cent.; and says, merrily, upon it, that he was now so plunged in debt, as to be ready for a plot, but that the conspirators would not trust him.§ It raised, indeed, some censure upon his vanity, for purchasing so expensive a house with borrowed money: but Messala, the consul, happening soon after to buy Autronius's house, at a greater price, and with borrowed money too, it gave him some pleasure, that he could justify himself by the example of so worthy a magistrate: "By Messala's "purchase," says he, "I am thought to have made "a good bargain; and men begin to be convinced, "that we may use the wealth of our friends, in buy-"ing what contributes to our dignity."‖

* A. Gellius, 12. 12.

† Ais enim, ut ego discesserim omnia omnium dicta, in his etiam Sestiana in me conferri. Quid? tu id pateris? nonne defendis? nonne resistis? &c. Ep. fam. 7. 32. Sic audio Cæsarem—si quod afferatur ad eum pro meo, quod meum non est, rejicere solere. Ib. 9. 16.

‡ Quod ad me pridem scripseras, velle te bene evenire, quod de Crasso domum emeram—Emi eam ipsam domum H. S. xxxv. aliquanto post tuam gratulationem. Ep. fam. 5, 6.

§ Itaque scito, me nunc tantum habere æris alieni, ut cupiam conjurare, si quisquam recipiat. Sed partim me excludunt, &c. Ib.

‖ Ea emptione et nos bene emisse judicati sumus; et homines intelligere cœpe-

A. Urb. 691. Cic. 45. Coss.—D. Junius Silanus. L. Licinius Muræna.

But the most remarkable event, which happened in the end of this year, was the pollution of the mysteries of the Bona Dea, or the good goddess, by P. Clodius; which, by an unhappy train of consequences, not only involved Cicero in an unexpected calamity, but seems to have given the first blow towards the ruin of the Republic. Clodius was now quæstor, and, by that means, a senator; descended from the noblest family in Rome, in the vigour of his age, of a graceful person, lively wit, and flowing eloquence; but, with all the advantages of nature, he had a mind incredibly vicious; was fierce, insolent, audacious, but, above all, most profligately wicked, and an open contemner of gods and men; valuing nothing, that either nature or the laws allowed; nothing, but in proportion as it was desperate, and above the reach of other men; disdaining even honours, in the common forms of the Republic; nor relishing pleasures, but what were impious, adulterous, incestuous.* He had an intrigue with Cæsar's wife, Pompeia, who, according to annual custom, was now celebrating in her house those awful and mystic sacrifices of the goddess, to which no male creature was ever admitted, and where every thing masculine was so scrupulously excluded, that even pictures of that sort were covered during the ceremony.† This was a proper scene for Clodius's

runt, licere amicorum facultatibus in emendo ad dignitatem aliquam pervenire. Ad Att. 1. 13.

* Exorta est illa Reipub. sacris, religionibus, auctoritati, vestræ, judiciis publicis funesta quæstura: in qua idem iste deos, hominesque, pudorem, pudicitiam, senatûs auctoritatem, jus, fas, leges, judicia vio lavit, &c. De Aruspic. resp. 20.

Qui ita judicia pœnamque contempserat, ut eum nihil dplectaret, quod aut per naturam fas esset, aut per leges liceret. Pro Mil. 16.

P. Clodius, homo nobilis, disertus, audax; qui neque dicendi, neque faciendi ullum, nisi quem vellet, noscet modum; malorum propositorum exécutor acerrimus, infamis etiam sororis stupro, &c. Vell. Pat. 2. 45.

† ——— ubi velari pictura jubetur,
Quæcunque alterius sexûs imitati figuram est.
Juv. 6. 39.

Quod quidem sacrificium nemo ante P. Clodium in omni memoria violavit—quod fit per virgines vestales; fit pro populo Romano; fit in ea domo, quæ est in imperio; fit incredibili ceremonia; fit ei deæ, cujus ne nomen quidem viros scire fas est. De Arusp. resp. 17.

genius to act upon; an opportunity of daring, beyond what man had ever dared before him: the thought of mixing the impurity of his lusts, with the sanctity of these venerable rites, flattered his imagination so strongly, that he resolved to gain access to his mistress, in the very midst of her holy ministry. With this view, he dressed himself in a woman's habit, and, by the benefit of his smooth face, and the introduction of one of the maids, who was in the secret, hoped to pass without discovery: but, by some mistake, between him and his guide, he lost his way, when he came within the house, and fell in, unluckily, among the other female servants, who, detecting him by his voice, alarmed the whole company by their shrieks, to the great amazement of the matrons, who presently threw a veil over the sacred mysteries, while Clodius found means to escape by the favour of some of the damsels.*

The story was presently spread abroad, and raised a general scandal and horror through the whole city: in the vulgar, for the profanation of a religion held the most sacred in Rome; in the better sort, for its offence to good manners, and the discipline of the Republic. Cæsar put away his wife upon it; and the honest, of all ranks, were for pushing this advantage against Clodius as far as it would go, in hopes to free themselves by it, of a citizen, who by this, as well as other specimens of his audaciousness, seemed born to create much disturbance to the state.† It had been the constant belief of the populace, that, if a man should ever pry into these mysteries, he would be instantly struck blind: but it was not possible, as Cicero says, to know the truth of it before, since no man, but Clodius, had

* P. Clodium, Appii filium, credo te audisse cum veste muliebri deprehensum domi C. Cæsaris, cum pro populo fieret, eumque per manus servulæ servatum et eductum; rem esse insigni infamia. Ad Att. 1. 12.

† Videbam, illud scelus tam importunum, audaciam tam immanem adolescentis furentis, nobilis, vulnerati, non posse arceri otii finibus: erupturum illud malum aliquando, si impunitum fuisset, ad perniciem civitatis. De Arusp. resp. 3.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

ever ventured upon the experiment: though it was now found, as he tells him, that the blindness of the eyes was converted to that of the mind.*

The affair was soon brought before the senate; where it was resolved to refer it to the college of priests, who declared it to be an abominable impiety; upon which the consuls were ordered to provide a law for bringing Clodius to a trial for it before the people.† But Q. Fufius Calenus, one of the tribunes, supported by all the Clodian faction, would not permit the law to be offered to the suffrage of the citizens. This raised a great ferment in the city, while the senate adhered to their former resolution, though the consul Piso used all his endeavours to divert them from it, and Clodius, in an abject manner, threw himself at the feet of every senator; yet, after a second debate, in a full house, there were fifteen only who voted on Clodius's side, and four hundred directly against him; so that a fresh decree passed, to order the consuls to recommend the law to the people, with all their authority, and that no other business should be done, till it was carried:‡ but this being likely to produce great disorders, Hortensius proposed an expedient, which was accepted by both parties, that the tribune Fufius should publish a law, for the trial of Clodius, by the prætor, with a select bench of judges. The only difference between the two laws was, whether he should be tried by the people, or by particular

* Aut quod oculos, ut opinio illius religionis est, non perdidisti. Quis enim ante te sacra illa vir sciens viderat, ut quisquam pœnam, quæ sequeretur illud scelus, scire posset? Ib. 18.

Pœna omnis oculorum ad cæcitatem mentis est conversa. Pro Dom. 40.

† Id sacrificium cum Virgines instaurassent, mentionem a Q. Cornificio in Senatu factam—post rem ex S. C. ad Pontifices relatam; idque ab eis nefas esse decretum: deinde ex S. C. Consules rogationem promulgasse: uxori Cæsarem nuncium remisisse—In hac causa Piso, amicitia P. Clodii ductus, operam dat, ut ea rogatio—antiquetur, &c. Ad Att. 1. 13.

‡ Senatus vocatur; cum decerneretur frequenti senatu, contra pugnante Pisone, ad pedes omnium sigillatim accedente Clodio, ut consules populum cohortarentur ad rogationem accipiendam: homines ad xv. Curioni, nullum S. C. facienti, assenserunt, ex altera parte facile cccc. fuerunt.—Senatus decernebat, ut ante, quam rogatio lata esset, ne quid ageretur. Ib. 14.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

judges: but this, says Cicero, was every thing. Hortensius was afraid, lest he should escape in the squabble, without any trial; being persuaded that no judges could absolve him, and that a sword of lead, as he said, would destroy him: but the tribune knew, that, in such a trial, there would be room for intrigue, both in choosing and corrupting the judges, which Cicero likewise foresaw, from the first; and wished, therefore, to leave him rather to the effect of that odium, in which his character then lay, than bring him to a trial where he had any chance to escape.*

Clodius's whole defence was, to prove himself absent at the time of the fact: for which purpose, he produced men to swear, that he was then at Interamna, about two or three days journey from the city. But Cicero being called upon to give his testimony, deposed, that Clodius had been with him that very morning at his house in Rome.† As soon as Cicero appeared in the court, the Clodian mob began to insult him with great rudeness; but the judges rose up, and received him with such respect, that they presently secured him from all farther affronts.‡ Cæsar, who was the most particularly interested in the affair, being summoned also to give evidence, declared, that he knew nothing at all of the matter; though his mother Aurelia, and sister Julia, who were examined before him, had given a punctual relation of the whole fact: and being interrogated, how he came then to part with his wife? he replied, that all who belonged to him ought to

* Postea vero quam Hortensius excogitavit, ut legem de religione Fufius tribunus pleb. ferret; in qua nihil aliud a consulari rogatione differebat, nisi judicum genus, (in eo autem erant omnia) pugnavitque ut ita fieret; quod et sibi et aliis persuaserat, nullis illum judicibus effugere posse; contraxi vela, perspiciens inopiam judicum.—Hortensius—non vidit illud, satius esse illum in infamia et sordibus reliuqui, quam infirmo judicio committi. Sed ductus odio properavit rem deducere in judicium, cum illum plumbeo gladio jugulatum iri tamen diceret—A me tamen ab initio consilium Hortensii reprehendebatur. Ad Att. 1. 16.

† Plut. in Cic. Val. Max. 8. 5.

‡ Me vero teste producto; Credo te—audisse, quæ consurrectio judicum facta sit, ut me circumsteterint, &c. Ad Att. ib.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

be free from suspicion, as well as guilt.* He saw very well how the thing was like to turn, and had no mind to exasperate a man of Clodius's character, who might be of good service to him, for the advancement of his future projects. Plutarch says, that Cicero himself was urged on to this act against his will, by the importunity of his wife; a fierce, imperious dame, jealous of Clodius's sister, whom she suspected of some design to get Cicero from her, which, by this step, she hoped to make desperate. The story does not seem improbable; for, before the trial, Cicero owns himself to be growing every day more cool and indifferent about it; and in his railleries with Clodius, after it, touches upon the forward advances which his sister had made towards him; and, at the very time of giving his testimony, did it with no spirit, nor said any thing more, as he tells us, than what was so well known, that he could not avoid saying it.†

The judges seemed to act, at first, with great gravity; granted every thing that was asked by the prosecutors; and demanded a guard to protect them from the mob; which the senate readily ordered, with great commendations of their prudence: but when it came to the issue, twenty-five only condemned, while thirty-one absolved him. Crassus is said to have been Clodius's chief manager, in tampering with the judges; employing every art and instrument of corruption, as it suited the different tempers of the men; and where money would not do, offering even certain ladies and young men of quality to their pleasure. Cicero says, that a more scandalous company of sharpers never sat

* Negavit se quidquam comperisse, quamvis et mater Aurelia, et soror Julia, apud eosdem judices, omnia ex fide retulissent: interrogatusque, cur igitur repudiasset uxorem? Quoniam, inquit, meos tam suspicione quam crimine judico carere oportere. Sueton. J. Cæs. 74.

† Nosmetipsi, qui Lycurgei a principio fuissemus, quotidie demitigamur. Ad Att. 1. 13.

Neque dixi quicquam pro testimonio, nisi quod erat ita notum atque testatum, ut non possem præterire. Ib. 16.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

down at a gaming table; infamous senators, beggarly knights, with a few honest men among them, whom Clodius could not exclude; who in a crew so unlike to themselves, sat with sad and mournful faces, as if afraid of being infected with the contagion of their infamy; and that Catulus, meeting one of them, asked him, what they meant by desiring a guard? were they afraid of being robbed of the money which Clodius had given them.*

This transaction, however, gave a very serious concern to Cicero, who laments, that the firm and quiet state of the Republic, which he had established in his consulship, and which seemed to be founded in the union of all good men, was now lost and broken, if some deity did not interpose, by this single judgment; if that, says he, can be called a judgment, for thirty of the most contemptible scoundrels of Rome to violate all that is just and sacred, for the sake of money; and vote that to be false, which all the world knows to be true. As he looked upon himself to be particularly affronted by a sentence, given in flat contradiction to his testimony, so he made it his business, on all occasions, to display the iniquity of it, and to sting the several actors in it with all the keenness of his raillery.† In a debate soon after, in the senate, on the state of the Republic, taking occasion to fall upon this affair, he exhorted the fathers not to be discouraged for having received one single wound; which was of such a nature, that it ought neither to be dissembled, nor

* Nosti Calvum—biduo per unum servum, et eum ex gladiatorio ludo, confecit totum negotium. Arcessivit ad se, promisit, intercessit, dedit. Jam vero (O Dii boni, rem perditam!) etiam noctes certarum mulierum, atque adolescentulorum nobilium introductiones nonnullis judicibus pro mercedis cumulo fuerunt,—xxv judices ita fortes fuerunt, ut summo proposito periculo vel perire maluerint, quam perdere omnia. xxxi fuerunt, quos fames magis quam fama commoverit. Quorum Catulus cum vidisset quendam; Quid vos, inquit, præsidium a nobis postulabatis? an, ne nummi vobis eriperentur, timebatis?

Maculosi Senatores nudi Equites—pauci tamen boni inerant, quos rejectione fugare ille non poterat; qui mœsti inter sui dissimiles et mœrentes sedebant, et contagione turpitudinis vehementer permovebantur. Ad Att. 1. 16.

† Insectandis vero, exagitandisque nummariis judicibus, omnem omnibus studiosis ac fautoribus illius victoriæ παῤῥησίαν eripui. Ib.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

to be feared; for, to fear it, was a meanness; and, not to be sensible of it, a stupidity: That Lentulus was twice acquitted; Catiline also twice; and this man was the third, whom a bench of judges had let loose upon the Republic. "But thou art "mistaken, Clodius," says he; "the judges have "not reserved thee for the city, but for a prison; "they designed thee no kindness by keeping thee "at home, but to deprive thee of the benefit of an "exile. Wherefore, fathers, rouse your usual vigour; "resume your dignity; there subsists still the same "union among the honest; they have had, indeed, "a fresh subject of mortification, yet their courage "is not impaired by it; no new mischief has be-"fallen us; but that only, which lay concealed, is "now discovered; and, by the trial of one desperate "man, many others are found to be as bad as he."*

Clodius, not caring to encounter Cicero by formal speeches, chose to teaze him with raillery, and turn the debate into ridicule. "You are a fine "gentleman, indeed," says he, "and have been at "Baiæ." "That's not so fine," replied Cicero, "as "to be caught at the mysteries of the goddess." "But what," says he, "has a clown of Arpinum to "do at the hot wells?" "Ask that friend of your's," replied Cicero, "who had a month's mind to your "Arpinum clown."† "You have bought a house,"‡ says he. "You should have said, judges," replied Cicero. "Those judges," says he, "would not be-"lieve you upon your oath." "Yes," replied Cicero, "twenty-five of them gave credit to me; while "the rest would not give any to you, but made you "pay your money beforehand." This turned the laugh so strongly on Cicero's side, that Clodius was

* Ib.

† This is supposed to refer to his sister Clodia, a lady famous for her intrigues; who had been trying all arts to tempt Cicero to put away Terentia, and to take her for his wife.

‡ Though Clodius reproaches Cicero here for the extravagant purchase of a house, yet he himself is said to have given afterwards near four times as much for one, viz. about 119,000l. sterling. Plin. Hist. N. l. 36. 15.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

confounded, and forced to sit down.* But being now declared enemies, they never met without some strokes of this kind upon each other; which, as Cicero observes, must needs appear flat in the narration, since all their force and beauty depended on the smartness of the contention, and the spirit with which they were delivered.†

The present consuls were M. Pupius Piso and M. Messala; the first of whom, as soon as he entered into office, put a slight affront upon Cicero: for his opinion having been asked always the first, by the late consuls, Piso called upon him only the second, on Catulus the third, Hortensius the fourth: this, he says, did not displease him, since it left him more at liberty in his voting; and freed him from the obligation of any complaisance to a man whom he despised.‡ This consul was warmly in the interests of Clodius; not so much out of friendship, as a natural inclination to the worst side: for, according to Cicero's account of him, he was a man of a weak and wicked mind; a churlish, captious sneerer, without any turn of wit; and making men laugh by his looks rather than jests; favouring neither the popular nor the aristocratical party; from whom no good was to be expected, because he wished none; nor hurt to be feared, because he durst do none; who would have been more vicious, by having one vice the less, sloth and laziness,§ &c. Cicero frankly used the liberty which this consul's behaviour allowed him, of delivering his sentiments without any reserve; giving Piso himself no quarter, but exposing every thing that he did and said in favour of Clodius, in

* Ad Att. 1. 16.

† Nam cætera non possunt habere neque vim, neque venustatem, remoto illo studio contentionis. Ib. ‡ Ib. 13.

§ Neque id magis amicitia Clodii ductus, quam studio perditarum rerum, atque partium. Ibid. 14.

Consul autem ipse parvo animo et pravo; tantum cavillator genere illo moroso, quod etiam sine dicacitate ridetur; facie magis, quam facetiis ridiculus: nihil agens cum Repub. sejunctus ab optimatibus: a quo nihil species boni Reipub. quia non vult; nihil metuas mali, quia non audet. Ib. 13.

Uno vitio minus vitiosus, quod iners, quod somni plenus. Ib. 14.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

such a manner, as to hinder the senate from decreeing to him the province of Syria, which had been designed, and in a manner promised to him.* The other consul, Messala, was of a quite different character; a firm and excellent magistrate, in the true interests of his country, and a constant admirer and imitator of Cicero.†

About this time Cicero is supposed to have made that elegant oration, still extant, in the defence of his old preceptor, the poet Archias: he expected, for his pains, an immortality of fame from the praise of Archias's muse; but, by a contrary fate of things, instead of deriving any addition of glory from Archias's compositions, it is wholly owing to his own, that the name of Archias has not long ago been buried in oblivion. From the great character given by him of the talents and genius of this poet, we cannot help regretting the entire loss of his works; he had sung in Greek verse the triumphs of Marius over the Cimbri, and of Lucullus over Mithridates; and was now attempting the consulship of Cicero;‡ but this perished with the rest, or was left rather unfinished, and interrupted by his death, since we find no further mention of it in any of Cicero's later writings.

Pompey the Great returned to Rome about the beginning of this year, in the height of his fame and fortunes, from the Mithridatic war. The city had been much alarmed about him, by various reports from abroad, and several tumults at home; where a general apprehension prevailed, of his coming at

* Consulem nulla in re consistere unquam sum passus: desponsam homini jam Syriam ademi. Ib. 16.

† Messala consul est egregius, fortis, constans, diligens, nostri laudator, amator, imitator. Ib. 14.

‡ Nam et Cimbricas res adolescens attigit, et ipsi illi C. Mario, qui durior ad hæc studia videbatur, jucundus fuit.

Mithridaticum vero bellum, magnum atque difficile—totum ab hoc expressum est; qui libri non modo L. Lucullum—verum etiam populi Rom. nomen illustrant.—Nam quas res in consulatu nostro vobiscum simul pro salute urbis atque imperii—gessimus, attigit hic versibus atque inchoavit: quibus auditis, quod mihi magna res et jucunda visa est, hunc ad perficiendum hortatus sum. Pro Archia, 9. 11.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

the head of an army, to take the government into his hands.* It is certain, that he had it now in his power, to make himself master of the Republic, without the hazard even of a war, or any opposition to control him. Cæsar, with the tribune Metellus, was inviting him to it, and had no other ambition, at present, than to serve under him: but Pompey was too phlegmatic, to be easily induced to so desperate a resolution; or seems rather, indeed, to have had no thoughts at all of that sort,-but to have been content with the rank which he then possessed, of the first citizen of Rome, without a rival. He had lived in a perpetual course of success and glory, without any slur, either from the senate or the people, to inspire him with sentiments of revenge, or to give him a pretence for violent measures; and he was persuaded, that the growing disorders of the city, would soon force all parties to create him dictator, for the settlement of the state; and thought it of more honour to his character to obtain that power, by the consent of his citizens, than to extort it from them by violence. But whatever apprehensions were conceived of him, before his coming, they all vanished at his arrival; for, he no sooner set foot in Italy, than he disbanded his troops, giving them orders only to attend him in his triumph; and, with a private retinue, pursued his journey to Rome, where the whole body of the people came out to receive him, with all imaginable gratulations and expressions of joy, for his happy return.†

By his late victories he had greatly extended the barrier of the empire into the continent of Asia, having added to it three powerful kingdoms,‡ Pontus, Syria, Bythynia, which he reduced to the condition of Roman provinces; leaving all the other kings, and nations of the east, tributary to the Republic, as far

* Plut. in Pomp.

† Ib.

‡ Ut Asia, quæ imperium antea nostrum terminabat, nunc tribus novis provinciis ipsa cingatur. De Provin. Consular. 12.

A. Urb. 692. Cic. 46. Coss.—M. Pupius Piso. M. Valerius Messala.

as the Tigris. Among his other conquests, he took the city of Jerusalem, by the opportunity of a contest about the crown, between the two brothers Hircanus and Aristobulus: the lower town was surrendered to him, with little or no opposition; but the fortress of the temple cost him a siege of three months; nor would he have taken it then, so easily, as Dio tells us,* had it not been for the advantage, that the besieged gave him, by the observance of their weekly sabbaths, on which they abstained so religiously from all work, as to neglect even their necessary defence. He shewed great humanity to the people, and touched no part of the sacred treasure, or vessels of gold, which were of an immense value;† yet was drawn, by his curiosity, into such a profanation of their temple, as mortified them more than all that they had suffered by the war: for, in taking a view of the buildings, he entered with his officers, not only into the holy place, where none but the priests, but into the holy of holies, where none but the high priest was permitted, by the law, to enter. by which act, as a very eminent writer, more piously, perhaps, than judiciously, remarks, he drew upon himself the curse of God, and never prospered afterwards.‡ He carried Aristobulus and his children prisoners to Rome, for the ornament of his triumph; and settled Hircanus in the government and the high priesthood, but subject to a tribute. Upon the receipt of the public letters, which brought the account of his success, the senate passed a decree, that, on all festival days, he should have the privilege to wear a laurel crown, with his general's robe; and in the equestrian races of the circus, his triumphal habit: an honour, which, when he had once used, to shew his grateful sense of it, he ever after prudently declined; since, with-

* Dio, l. 37. p. 36.

† At Cn. Pompeius, captis Hierosolymis, victor, ex illo fano nihil attigit. Pro Flacc. 28.

‡ Prideaux. Connect. par. 2. p. 343.

A. Urb. 692. Cic. 46. Coss.—M. Papius Piso. M. Valerius Messala.

out adding any thing to his power, it could serve only to increase the envy, which many were endeavouring to stir up against him.*

On the merit of these great services he did many acts abroad of a very extraordinary nature; gave what laws he pleased to the whole east; distributed the conquered countries, at discretion, to the kings and princes who had served him in the wars; built twenty-nine new cities, or colonies; and divided to each private soldier about fifty pounds sterling, and to his officers in proportion; so that the whole of his donative is computed to amount to above three millions of our money.†

His first business, therefore, after his return, and what he had much at heart, was to get these acts ratified by public authority. The popular faction promised him every thing, and employed all their skill to divert him from an union with Cicero and the senate, and had made a considerable impression upon him: but he found the state of things very different from their representations; saw Cicero still in high credit; and, by his means, the authority of the senate much respected; which obliged him to use great management, and made him so cautious of offending any side, that he pleased none. Cicero says, of his first speech, that it was neither agreeable to the poor, nor relished by the rich; disappointed the seditious, yet gave no satisfaction to the honest.‡ As he happened to come home in the very heat of Clodius's affair, so he was presently urged, by both parties, to declare for the one or the other. Fufius, a busy, factious tribune, demanded of him, before the people, what he thought of Clodius's being tried by the prætor and a bench of judges? to which he answered, very aristocratically, as Cicero calls it; that he had ever taken the authority of the senate,

* Dio, l. 37. p. 39. † Plin. Hist. l. 37. 2. Appian. de bell. Mithridat.

‡ Prima concio Pompeii—non jucunda miseris, inanis improbis, beatis non grata, bonis non gravis. Itaque frigebat. Ad Att. 1. 14.

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to be of the greatest weight in all cases. And when the Consul Messala asked him, in the senate, what his opinion was of that profanation of religion, and the law proposed about it? he took occasion, without entering into particulars, to applaud, in general, all that the senate had done in it; and, upon sitting down, told Cicero, who sat next to him, that he had now said enough, he thought, to signify his sentiments of the matter.*

Crassus observing Pompey's reserve, resolved to push him to a more explicit declaration, or to get the better of him, at least in the good opinion of the senate; rising up, therefore, to speak, he launched out, in a very high strain, into the praises of Cicero's consulship; declaring himself indebted to it for his being, at that time, a senator and a citizen; nay, for his very liberty and his life; and that, as often as he saw his wife, his family, and his country, so often he saw his obligations to Cicero. This discomposed Pompey, who was at a loss to understand Crassus's motive; whether it was to take the benefit of an opportunity, which he had omitted, of ingratiating himself with Cicero; or that he knew Cicero's acts to be in high esteem, and the praise of them very agreeable to the senate; and it piqued him the more, for its coming from a quarter, whence it was least to be expected; from one, whom Cicero, out of regard to him, had always treated with a particular slight. The incident, however, raised Cicero's spirits, and made him exert himself before his new hearer, Pompey, with all the pride of his eloquence: his topics were, the firmness and gravity of the senate; the concord of the equestrian order; the concurrence of all Italy: the lifeless remains of a baffled conspiracy; the peace and plenty which had since succeeded: all which he displayed with his utmost force, to let Pompey see his ascendant still in that

* Mihique, ut assedit, dixit, se putare satis ab se etiam de istis rebus esse responsum. Ib.

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assembly, and how much he had been imposed upon by the accounts of his new friends.* Pompey, likewise, on his side, began presently to change his tone, and affected, on all public occasions, to pay so great a court to Cicero, that the other faction gave him the nick-name of Cnæus Cicero: and their seeming union was so generally agreeable to the city, that they were both of them constantly clapped, whenever they appeared in the theatre, without a hiss from any quarter.† Yet Cicero easily discovered, that all this outward civility was but feigned and artificial; that he was full of envy within, and had no good intentions towards the public; nothing candid or sincere; nothing great, generous, or free, in him.‡

There was one point, which Pompey resolved to carry, this summer, against the universal inclination of the city; the election of L. Afranius, one of his creatures, to the consulship: in which he fights, says Cicero, neither with authority, nor interest, but with what Philip of Macedon took every fortress, into which he could drive a loaded ass.‖ Plutarch says, that he himself distributed the money openly in his own gardens: but Cicero mentions it as a current report, that the consul Piso had undertaken to divide it at his house: which gave birth to two new laws, drawn up by Cato and his brother-in-law, Domitius Ahenobarbus, and supposed to be levelled at the consul; the one of which gave a liberty to search the houses, even of magistrates, on informa-

* Proxime Pompeium sedebam: intellexi hominem moveri; utrum Crassum iniret eam gratiam, quam ipse prætermisisset.

Ego autem, Dii boni, quomodo ἐπιστρατεύσάμην novo auditori Pompeio?—Hæc erat ὑποθεσις de gravitate Ordinis, de equestri concordia, de consensione Italiæ, de immortuis reliquiis conjurationis, de vilitate, de otio. Ad Att. 1. 14.

† Usque eo, ut nostri illi comissatores conjurationis, barbatuli juvenes, illum in sermonibus Cnæum Ciceronem appellent. Itaque et ludis et gladiatoribus mirandas ἐπισημασίας, sine ulla pastoricia fistula, auferebamus. Ib. 16.

‡ Nos, ut ostendit, admodum diligit—aperte laudat: occulte, sed ita ut perspicuum sit, invidet: nihil come, nihil simplex, nihil ἐν τοῖς πολιτικοῖς honestum, nihil illustre, nihil forte, nihil liberum. Ib. 13.

‖ In eo neque auctoritate, neque gratia pugnat; sed quibus Philippus omnia castella expugnari posse dicebat, in quæ modo asellus onustus auro posset ascendere. Ib. 16.

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tion of bribery; the other declared all those enemies to the state, at whose houses the dividers of money were found.* Pompey, however, obtruded Afranius upon the city, by which he disgusted all the better sort, both of the senate and people.†

He had been making preparation, all this summer, for his triumph, which he deferred to his birth-day, the 30th of September; having resided, in the meanwhile, as usual, in the suburbs: so that the senate and people, in compliment to him, held their assemblies, generally, during that time, without the walls; some of which are mentioned to have been in the Flaminian circus.‡ His triumph lasted two days, and was the most splendid which had ever been seen in Rome: he built a temple to Minerva out of the spoils, with an inscription, giving a summary of his victories: "That he had finished a war of thirty "years; had vanquished, slain, and taken two mil-"lions one hundred and eighty-three thousand men; "sunk or taken eight hundred and forty-six ships; "reduced to the power of the empire, a thousand "five hundred and thirty-eight towns and fortresses; "and subdued all the countries between the lake "Mæotis and the Red Sea."§

Quintus Cicero, who, by the help and interest of his brother, was following him at a proper distance,

* Consul autem ille—suscepisse negotium dicitur, et domi divisores habere: sed S. Cta. duo jam facta sunt odiosa, quòd in consulem facta putantur, Catone et Domitio postulante, &c. Ib. 16.

† Consul est impositus nobis, quem nemo præter nos philosophos aspicere sine suspiratu posset. Ib. 18.

‡ Fufius in concionem produxit Pompeium; res agebatur in Circo Flaminio. Ib. 14.

§ Cn. Pompeius. Cn. F. magnus. Imp.
Bello. xxx. annorum. confecto.
Fusis. fugatis. occisis. in deditionem
acceptis. hominum. centies. vicies.
semel. centenis. Lxxxiii. m.
Depressis aut capt. navibus. Dcccxlvi.
Oppidis. Castellis. M.d.xxxviii.
in fidem receptis.
Terris. a. Mæoti. Lacu. ad Rubrum.
Mare. subactis.
Votum. merito. Minervæ.
Plin. Hist. N. 7. 26.

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through all the honours of the state, having been prætor the last year, now obtained the government of Asia; a rich and noble province, comprehending the greatest part of what is called Asia Minor. Before he went to take possession of it, he earnestly pressed Atticus, whose sister he married, to go along with him, as one of his lieutenants; and resented his refusal so heinously, that Cicero had no small trouble to make them friends again. There is an excellent letter, on this subject, from Cicero to Atticus; which I cannot forbear inserting, for the light which it gives us into the genuine characters of all the three, as well as of other great men of those times, with a short account also of the present state of the Republic.

CICERO TO ATTICUS.

"I PERCEIVE, from your letter, and the copy of "my brother's, which you sent with it, a great alter- "ation in his affection and sentiments with regard "to you: which affects me with all that concern, "which my extreme love for you both ought to give "me; and with wonder, at the same time, what "could possibly happen either to exasperate him so "highly, or to effect so great a change in him. I "had observed, indeed, before, what you also mis- "trusted at your leaving us, that he had conceived "some secret disgust, which shocked and filled his "mind with odious suspicions: which, though I was "often attempting to heal, and especially after the "allotment of his province, yet I could neither dis- "cover that his resentment was so great, as it ap- "pears to be, from your letter, nor find, that what "I said had so great an effect upon him as I wished. "I comforted myself, however, with a persuasion, "that he would contrive to see you at Dyrrachium, "or some other place in those parts; and, in that "case, made no doubt but that all would be set "right; not only by your discourse, and talking the "matter over between yourselves, but by the very

"sight and mutual embraces of each other: for I "need not tell you, who know it as well as myself, "what a fund of goodnature and sweetness of tem- "per there is in my brother, and how apt he is, both "to take and to forgive an offence. But it is very "unlucky, that you did not see him; since, by that "means, what others have artfully inculcated has "had more influence on his mind, than either his "duty, or his relation to you, or your old friend- "ship, which ought to have had the most. Where "the blame of all this lies, it is easier for me to ima- "gine than to write; being afraid, lest, while I am "excusing my own people, I should be too severe "upon your's; for, as I take the case to be, if those "of his own family did not make the wound, they "might, at least, have cured it. When we see one "another again, I shall explain to you more easily "the source of the whole evil, which is spread some- "what wider than it seems to be.—As to the letter "which he wrote to you from Thessalonica, and "what you suppose him to have said of you to your "friends at Rome, and on the road, I cannot con- "ceive what could move him to it. But all my "hopes of making this matter easy, depend on your "humanity: for if you will but reflect, that the best "men are often the most easy, both to be provoked, "and to be appeased; and that this quickness, if I "may so call it, or flexibility of temper, is generally "the proof of a good nature; and, above all, that "we ought to bear with one another's infirmities, or "faults, or even injuries; this troublesome affair, I "hope, will soon be made up again. I beg of you "that it may be so. For it ought to be my special "care, from the singular affection which I bear to "you, to do every thing in my power, that all, who "belong to me, may both love and be beloved by "you. There was no occasion for that part of your "letter, in which you mention the opportunities, "which you have omitted, of employments, both in

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" the city and the provinces; as well at other times,
" as in my consulship: I am perfectly acquainted
" with the ingenuity and greatness of your mind;
" and never thought that there was any other differ-
" ence between you and me, but in a different choice
" and method of life: whilst I was drawn, by a sort
" of ambition, to the desire and pursuit of honours;
" you, by other maxims, in no wise blameable, to the
" enjoyment of an honourable retreat. But, for the
" genuine character of probity, diligence, exactness
" of behaviour, I neither prefer myself, nor any man
" else to you; and, as for love to me, after my bro-
" ther and my own family, I give you always the first
" place. For I saw, and saw it in a manner the most
" affecting, both your solicitude and your joy, in all
" the various turns of my affairs; and, was often
" pleased, as well with the applause, which you gave
" me in success, as the comfort which you adminis-
" tered in my fears; and, even now, in the time of
" your absence, I feel and regret the loss, not only
" of your advice, in which you excel all: but, of that
" familiar chat with you, in which I used to take so
" much delight. Where then, shall I tell you, that
" I most want you? in public affairs? where it can
" never be permitted to me to sit idle; or in my la-
" bours at the bar? which I sustained before, through
" ambition; but now, to preserve my dignity: or, in
" my domestic concerns? where, though I always
" wanted your help before, yet, since the departure
" of my brother, I now stand the more in need of it.
" In short, neither in my labours, nor rest; neither
" in business, nor retirement; neither in the Forum,
" nor at home; neither in public, nor in private af-
" fairs, can I live any longer without your friendly
" counsel, and endearing conversation. We have
" often been restrained, on both sides, by a kind of
" shame, from explaining ourselves on this article;
" but I was now forced to it, by that part of your
" letter, in which you thought fit to justify yourself

" and your way of life to me. But, to return to my " brother: in the present state of the ill-humour " which he expresses towards you, it happens, how- " ever, conveniently, that your resolution of declin " ing all employments abroad, was declared and " known long beforehand, both to me and your " other friends; so that your not being now toge- " ther, cannot be charged to any quarrel or rupture " between you, but to your judgment and choice of " life. Wherefore, both this breach in your union, " will, undoubtedly, be healed again, and your friend- " ship with me remain for ever inviolable, as it has " hitherto been. We live here, in an infirm, wretch- " ed, tottering Republic: for you have heard, I " guess, that our knights, are now almost disjoined " again from the senate. The first thing which they " took amiss, was the decree for calling the judges " to account, who had taken money in Clodius's af- " fair: I happened to be absent when it passed; but, " hearing afterwards, that the whole order resented " it, though, without complaining openly, I chid the " senate, as I thought, with great effect; and, in a " cause, not very modest, spoke forcibly and copi- " ously. They have now another curious petition, " scarce fit to be endured; which yet I not only bore " with, but defended. The company, who hired the " Asiatic revenues of the censors, complained to the " senate, that, through too great an eagerness, they " had given more for them than they were worth, and " begged to be released from the bargain. I was " their chief advocate, or rather, indeed, the second; " for Crassus was the man, who put them upon mak- " ing this request. The thing is odious and shame- " ful, and a public confession of their rashness: but, " there was great reason to apprehend, that, if they " should obtain nothing, they would be wholly alie- " nated from the senate; so that this point, also, was " principally managed by me. For, on the 1st and " 2d of December, I spoke a great deal on the dig-

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"nity of the two orders, and the advantages of the "concord between them, and was heard very fa- "vourably in a full house. Nothing, however, is yet "done; but the senate appears well disposed: for "Metellus, the consul elect, was the only one, who "spoke against us; though that hero of our's, Cato, "was going also to speak, if the shortness of the day "had not prevented him. Thus, in pursuit of my "old measures, I am supporting, as well as I can, "that concord which my consulship had cemented: "but, since no great stress can now be laid upon it, "I have provided myself another way, and a sure "one, I hope, of maintaining my authority; which, I "cannot well explain by letter, yet, will give you a "short hint of it. I am in strict friendship with Pom- "pey—I know already what you say—and will be "upon my guard, as far as caution can serve me, and "give you a farther account, some other time, of my "present conduct in politics. You are to know, in "the meanwhile, that Lucceius designs to sue direct- "ly for the consulship; for he will have, it is said, but "two competitors: Cæsar, by means of Arrius, pro- "poses to join with him; and Bibulus, by Piso's "mediation, thinks of joining with Cæsar. Do you "laugh at this? Take my word for it, it is no laughing "matter. What shall I write farther? What? There "are many things; but, for another occasion. If you "would have us expect you, pray let me know it: "at present, I shall beg only modestly, what I de- "sire very earnestly, that you would come as soon "as possible. December the 5th."*

As the petition of the knights, mentioned in this letter, Cato, when he came afterwards to speak to it, opposed it so resolutely, that he prevailed to have it rejected: which Cicero often condemns, as contrary to all good policy; and complains, sometimes, in his letters, that Cato, though he was the only man who had any regard for the Republic, yet

* Ad. Att. 1. 17.

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frequently did mischief, by pursuing his maxims absurdly, and without any regard to the times;* and, upon a review of the transactions, which had passed since his consulship, and the turn which the public affairs were then taking, he seems to foretel, that the Republic could not stand much longer; since this very year had overthrown the two main pillars of it, which he had been erecting with such pains; the authority of the senate, and their union with the knights.†

Q. Cæcilius Metellus and L. Afranius were now consuls. The first had been prætor in Cicero's consulship, and commanded an army against Catiline, and was an excellent magistrate and true patriot; a firm opposer of all the factious, and a professed enemy also to Pompey; in which he was the more heated by a private resentment of the affront offered to his sister Mucia, whom Pompey had lately put away.‡ His partner, Afranius, was the creature of Pompey's power; but of no credit or service to him, on the account of his luxury and laziness; being fonder of balls than of business. Cicero calls him a consul, whom none but a philosopher could look upon without sighing; a soldier without spirit; and a proper butt for the raillery of the senate, where Palicanus abused him every day to his face: and so stupid, as not to know the value of what he had purchased.§

By the help of this consul and some of the tri-

* Unus est, qui curet, constantia magis et integritate, quam, ut mihi videtur, consilio et ingenio, Cato; qui miseros publicanos, quos habuit amantissimos sui, tertium jam mensem vexat, neque eis a senatu responsum dari patitur. Ad Att. 1. 18. it. 2. 1.

† Nam ut ea breviter, quæ post discessum tuum acta sunt, colligam, jam exclames, necesse est, res Romanas diutius stare non posse.

Sic ille annus duo firmamenta Reipub. per me unum constituta, evertit: nam et senatûs auctoritatem abjecit, et ordinum concordiam disjunxit. Ad Att. 1. 18.

‡ Metellus est consul egregius, et nos amat, &c. Ib. 18, 19, 20. Dio, l. 37. p. 52.

§ Quem nemo præter nos philosophos aspicere sine suspiratu posset.

Auli autem filius, ô Dii immortales! quam ignavus et sine animo miles! quam dignus, qui Palicano, sicut facit, os ad male audiendum quotidie præbeat!

Ille alter ita nihil est, ut plane quid emerit, nesciat.

Auli filius vero ita se gerit, ut ejus consulatus non consulatus sit, sed magni nostri ὑπατικοῦ, &c. Ad Att. ib. Dio, ib.

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bunes, Pompey imagined, that he should readily obtain the ratification of his acts, together with an Agrarian law, which he was pushing forward, at the same time, for the distribution of lands to his soldiers; but he was vigorously opposed in them both by the other consul, Metellus, and the generality of the senate.* Lucullus declared, that they ought not to confirm his acts in the gross, as if they received them from a master, but to consider them separately, and ratify those only which were found to be reasonable.† But the tribune Flavius, who was the promoter of the law, impatient of this opposition, and animated by Pompey's power, had the hardiness to commit Metellus to prison; and, when all the senate followed, and resolved to go to prison too, he clapt his chair at the prison-door to keep them out: but this violence gave such a general scandal to the city, that Pompey found it advisable to draw off the tribune, and release the consul.‡ In order to allay these heats, Cicero offered an amendment to the law, which satisfied both parties, by securing the possessions of all private proprietors, and hindering the public lands from being given away: his proposal was, that out of the new revenues, which Pompey had acquired to the empire, five years rents should be set apart to purchase lands, for the intended distribution.§ But the progress of the affair was suspended by the sudden alarm of a Gallic war, which was always terrible to Rome, and being now actually commenced by several re-

* Agraria autem promulgata est a Flavio, sane, levis, &c. Ad Att. 1. 18.
Agraria lex a Flavio tribuno pleb. vehementer agitabatur, auctore Pompeio:—Nihil populare habebat præter auctorem.—Huic toti rationi agrariæ senatus adversabatur, suspicans Pompeio novam quandam potentiam quæri. Ib. 19.

† Dio, l. 37. 52.

‡ Ib.

§ Ex hac ego lege, secunda concionis voluntate, omnia tollebam quæ ad privatorum incommodum pertinebant. Unam rationem non rejiciebam, ut ager hac adventitia pecunia emeretur, quæ ex novis vectigalibus per quinquennium reciperetur. Magna cum Agrariorum gratia confirmabam omnium privatorum possessiones, (is enim est noster exercitus, hominum, ut tute scis, locupletium) populo autem et Pompeio (nam id quoque volebam) satisfaciebam emptione. Ad Att. 1. 19.

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volted nations, called for the immediate care and attention of the government.*

The senate decreed the two Gauls, severally, to the two consuls; and required them to make levies without any regard to privilege, or exemption from service: and that three senators should be chosen by lot, one of them of consular rank, to be sent, with a public character, to the other Gallic cities, to dissuade them from joining in the war. In the allotment of these ambassadors, the first lot happened to fall upon Cicero; but the whole assembly remonstrated against it, declaring his presence necessary at Rome, and that he ought not to be employed on such an errand. The same thing happened to Pompey, on whom the next lot fell; who was retained, also, with Cicero, as two pledges of the public safety.† The three at last chosen were, Q. Metellus Creticus, L. Flaccus, and Lentulus. The transalpine Gaul, which was the seat of the war, fell to the lot of Metellus; who could not contain his joy upon it, for the prospect of glory which it offered him. "Metellus," says Cicero, "is an admirable "consul: I blame him only in one thing, for not "seeming pleased with the news of peace from "Gaul. He longs, I suppose, to triumph. I wish "that he was as moderate in this, as he is excellent "in all other respects."‡

Cicero now finished, in the Greek language, and in the style and manner of Isocrates, what he calls a Commentary, or Memoirs of the Transactions of his Consulship; and sent it to Atticus, with a desire, if he approved it, to publish it in Athens, and the cities of Greece. He happened to receive a piece,

* Sed hæc tota res interpellata bello refrixerat. Ad Att. 1. 19.

† Senatus decrevit, ut consules duas Gallias sortirentur; delectus haberetur; vacationes ne valerent; legati cum auctoritate mitterentur, qui adirent Galliæ civitates.—Cum de consularibus mea prima sors exisset, una voce senatus frequens me in urbe retinendum censuit. Hoc idem post me Pompeio accidit; ut nos duo, quasi pignora Reipub. retineri videremur. Ib.

‡ Metellus tuus est egregius consul: unum reprehendo, quod otium e Gallia nunciari tam magnopere gaudet. Cupit, credo, triumphare. Hoc vellem mediocrius; cætera egregia. Ib. 20.

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at the same time, and on the same subject, from Atticus, which he rallies, as rough and unpolished, and without any beauty, but its simplicity. He sent his own work also to Posidonius, of Rhodes, and begged that he would undertake the same argument, in a more elegant and masterly manner. But Posidonius answered him, with a compliment, that, instead of being encouraged to write, by the perusal of his piece, he was quite deterred from attempting it. Upon which Cicero says, jocosely, that he had confounded the whole Greek nation, and freed himself from the importunity of those little wits who had been teazing him so long, to be employed in writing the history of his acts.* What he says, in excuse for taking that task upon himself, is, that it was not a panegyric, but a history; which makes our loss of it the greater, since it must have given a more exact account of those times, than can now be possibly had, in an entertaining work, finished with care and elegance; which, not only pleased himself, as it seems to have done very highly, but, as he tells us, every body else: "If there be any thing in it," says he, "which does not seem to be good Greek, or "polite enough to please your taste, I will not say "what Lucullus told you of his own history at Pan- "ormus, that he had scattered some barbarisms in "it, on purpose to make it appear to be the work "of a Roman; for if any thing of that kind should "be found in mine, it is not with design, but con- "trary to my intention."†

Upon the plan of these memoirs, he composed, afterwards, a Latin poem, in three books, in which

* Tua illa—horridula mihi atque incompta visa sunt: sed tamen erant ornata hoc ipso, quod ornamenta neglexerant: et ut mulieres, ideo bene olere, quia nihil olebant, videbantur.—Ad me rescripsit jam Rhodo Posidonius, se nostrum illud ἐγκώμιον cum legeret,—non modo non excitatum ad scribendum, sed etiam plane perterritum esse.—Conturbavi Græcam nationem: ita vulgo qui instabant, ut darem sibi quod ornarent, jam exhibere mihi modestiam destiterunt. Ad Att. 2. 1.

† Commentarium consulatus mei Græce compositum ad te misi: in quo si quid erit, quod homini Attico minus Græcum, eruditumque videatur, non dicam, quod tibi, ut opinor, Panormi Lucullus de suis historiis dixerat, se, quo facilius illas probaret Romani hominis esse, idcirco barbara quædam et σόλοικα dispersisse. Apud me si quid erit ejusmodi, hæc imprudente erit et invito. Att. 1. 19.

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he carried down the history to the end of his exile, but did not venture to publish it, till several years after: not that he was afraid, he says, of the resentment of those whom he had lashed in it, for he had done that part very sparingly, but of those, rather, whom he had not celebrated, it being endless to mention all who had been serviceable to him.* This piece is also lost, except a few fragments, scattered in different parts of his other writings. The three books were severally inscribed to three of the Muses; of which his brother expresses the highest approbation, and admonishes him to bear in mind what Jupiter recommends in the end of Urania, or the second book; which concluded, probably, with some moral lesson, not unlike to what Calliope prescribes in the third.†

Inferca cursus, quos primâ a parte juventæ,
Quosque adeo consul virtute animoque petisti,
Hos retine; atque auge famam laudesque bonorum.

That noble course, in which thy earliest youth
Was train'd to virtue, liberty, and truth;
In which, when consul, you such honour won,
While Rome, with wonder and applause look'd on,
The same pursue; and let each growing year,
A fresh increase of fame and glory bear.

He published, likewise, at this time, a collection of the principal speeches which he had made in his consulship, under the title of his Consular Orations: he chose to make a separate volume of them, as Demosthenes had done of his Philippics, in order to give a specimen of his civil or political talents; being of a different manner, he says, from the dry and crabbed style of the bar, and shewing, not only how he spoke, but how he acted. The two first were against the Agrarian law of Rullus; the one to the senate, the other to the people: the third, on the tu-

* Scripsi etiam versibus tres libros de temporibus meis, quos jam pridem ad te misissem, si esse edendos putassem—sed quia verebar non eos, qui se læsos arbitrarentur, etenim id feci parce et molliter; sed eos, quos erat infinitum bene de me meritos omnes nominare. Ep. fam. 1. 9.

† Quod me admones de nostra Urania, suadesque ut meminerim Jovis orationem, quæ est in extremo illo libro: ego vero memini, et illa omnia mihi magis scripsi, quam cæteris. Ep. ad Quint. frat. 2. 9. Vid. Att. 2. 3. De Divin. 1. 11.

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mult about Otho: the fourth, for Rabirius: the fifth, to the sons of the proscribed: the sixth, upon his resigning the province of Gaul: the seventh, eighth, ninth, and tenth, on the affair of Catiline: with two more short ones, as appendixes to those on the Agrarian law. But of these twelve, four are entirely lost; the third, fifth, and sixth, with one of the short ones; and some of the rest left maimed and imperfect. He published also, at this time, in Latin verse, a translation of the Prognostics of Aratus, which he promises to send to Atticus, with the volume of his orations;* of which work there are only two or three small fragments now remaining.

Clodius, who had been contriving all this while how to revenge himself on Cicero, began now to give an opening to the scheme, which he had formed for that purpose. His project was, to get himself chosen tribune, and, in that office, to drive him out of the city, by the publication of a law, which, by some stratagem or other, he hoped to obtrude upon the people.† But, as all patricians were incapable of the tribunate, by its original institution, so his first step was to make himself a plebeian, by the pretence of an adoption into a plebeian house, which could not yet be done without the suffrage of the people. This case was wholly new, and contrary to all the forms; wanting every condition, and serving none of the ends, which were required in general adoptions; so that, on the first proposal, it seemed too extravagant to be treated seriously, and would soon have been hissed off with scorn, had it not been concerted, and privately supported, by persons of much more weight than Clodius. Cæsar was at the bottom of it,

* Fuit enim mihi commodum, quod in eis orationibus, quæ Philippicæ nominantur, enituerat civis ille tuus Demosthenes, et quod se ab hoc refractariolo judiciali dicendi genere abjunxerat, ut σεμνότερος τις et πολιτικώτερος videretur, curare, ut meæ quoque essent orationes, quæ consulares nominarentur.—Hoc totum σῶμα curabo ut habeas: et quoniam te cum scripta, tum res meæ delectant, iisdem libris perspicies, et quæ gesserim, et quæ dixerim. Att. 2. 1.

Prognostica mea cum oratiunculis propediem expecta. Id.

† Ille autem non simulat, sed plane Tribúnus pleb. fieri cupit. Ad Att. 2. 1.

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and Pompey secretly favoured it: not that they intended to ruin Cicero, but to keep him only under the lash; and, if they could not draw him into their measures, or make him, at least, sit quiet, to let Clodius loose upon him. The solicitor of it was one Herennius, an obscure, hardy tribune, who first moved it to the senate, and afterwards to the people, but met with no encouragement from either; for the consul Metellus, though brother-in-law to Clodius, warmly opposed it;* and declared, that he would strangle him sooner, with his own hands, than suffer him to bring such a disgrace upon his family:† yet Herennius persisted to press it, but without any visible effect or success; and so the matter hung through the remainder of the year.

Cicero affected to treat it with the contempt, which it seemed to deserve: sometimes rallying Clodius, with much pleasantry; sometimes admonishing him, with no less gravity: he told him, in the senate, that his attempt gave him no manner of pain; and that it should not be any more in his power to overturn the state, when a plebeian, than it was in the power of the patricians, of the same stamp, in the time of his consulship.‡ But whatever face he put outwardly on this affair, it gave him a real uneasiness within, and made him unite himself more closely with Pompey, for the benefit of his protection, against a storm, which he saw ready to break upon him: while Pompey, ruffled likewise by the opposition of the senate, was as forward, on his side, to embrace Cicero, as a person necessary to his interest. Cicero, however, imagining, that this step would be censured by many, as a desertion of his old principles, takes frequent occasion to explain the motives of it, to his friend

* Verum præclare Metellus impedit et impediet. Ib.

† Qui Consul incipientem furere atque conantem, sua se manu interfecturum, audiente senatu dixerit. Pro Cælio, 24.

‡ Sed neque magnopere dixi esse nobis laborandum, quod nihilo magis ei licituruin esset Plebeio Rempub. perdere, quam similibus ejus me consule Patriciis esset licitum. Ad Att. 2. 1.

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Atticus, declaring, that the absolution of Clodius, the alienation of the knights, the indolence and luxury of the consular senators, who minded nothing but their fish-ponds, their carps and mullets, and yet were all envious of him, made it necessary for him to seek some firmer support and alliance.—That, in this new friendship, he should attend still to what the Sicilian wag Epicharmus whispered, "Be watch-"ful, and distrust, for those are the nerves of the "mind."* On another occasion, he observes, that his union with Pompey, though useful to himself, was more useful to the Republic, by gaining a man of his power and authority, who was wavering and irresolute, from the hopes and intrigues of the factious: that if this could not have been done, without drawing upon himself a charge of levity, he would not have purchased that, or any other advantage, at such a price; but he had managed the matter so, as not to be thought the worse citizen for joining with Pompey, but Pompey himself the better, by declaring for him.—That, since Catulus's death, he stood single and unsupported, by the other consulars, in the cause of the aristocracy; for, as the poet Rhinton says, some of them were good for nothing, others cared for nothing.† "But how much these "fishmongers of our's envy me," says he, "I will "write you word another time, or reserve it to our "meeting. Yet nothing shall ever draw me away "from the senate; both because it is right, and most "agreeable to my interest, and that I have no reason "to be displeased with the marks of respect which

* Cum hoc ego me tanta familiaritate conjunxi, ut uterque nostrum in sua ratione munitior, et in Repub. firmior hac conjunctione esse possit.

Et si iis novis amicitiis implicati sumus, ut crebro mihi vafer ille Siculus, insusurret Epicharmus, cantilenam illam suam:

Νᾶφε καὶ μέμνασ' ἀσυχίαν. ἅρδεα ταῦτα τῶν φρενῶν.

Ad Att. 1. 19.

† Illud tamen velim existimes, me hanc viam optimatium post Catuli mortem nec præsidio ullo nec comitatu tenere. Nam ut ait Rhinton, ut opinor,

Οἱ μὲν παρ' οὐδὲν εἰσιν, οἷς δ' οὐδὲν μέλει. Ad Att. 1. 20.

" they give me."* In a third letter, he says, " You " chide me, gently, for my union with Pompey: I " would not have you to think, that I sought it only " for my own sake; but things were come to such a " crisis, that, if any difference had happened be- " tween us, it must have caused great disturbance in " the Republic; which I have guarded against in " such a manner, that, without departing from my " own maxims, I have rendered him the better, and " made him remit somewhat of his popularity: for, " you must know, that he now speaks of my acts, " which many have been incensing him against, much " more gloriously than he does of his own; and de- " clares, that he had only served the state success- " fully, but that I had saved it.† What good this " will do to me, I know not: but it will certainly do " much to the Republic. What if I could make " Cæsar also a better citizen, whose winds are now " very prosperous; should I do any great harm by " it? Nay, if there were none who really envied me, " but all were encouraging me as they ought, it " would yet be more commendable to heal the viti- " ated parts of the state, than to cut them off: but " now, when that body of knights, who were planted " by me in my consulship, with you at their head, " as our guard in the Capitol, have deserted the se- " nate, and our consulars place their chief happiness " in training the fish in their ponds, to feed from their " hands, and mind nothing else; do not you think, " that I am doing good service, by managing so, that " those who can do mischief, will not? For, as to " our friend Cato, you cannot love him more than I " do; yet, with the best intentions, and the greatest " integrity, he often hurts the Republic; for he de- " livers his opinion, as if it were in the polity of

* Mihi vero ut invideant piscinarii nostri, aut scribam ad te alias, aut in congressum nostrum reservabo. A curia autem nulla me res divellet. Ib.

† Quem de meis rebus, in quas multi eum incitarant, multo scito gloriosius, quam de suis prædicare. Sibi enim bene gestæ, mihi conservatæ Reipub. dat testimonium. Ib. 2. 1.

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" Plato, not in the dregs of Romulus.* What could " be more just, than to call those to an account, who " had received money for judging? Cato proposed, " the senate agreed to it: the knights presently de- " clared war against the senate, not against me; for " I was not of that opinion. What more impudent, " than to demand a release from their contract? yet " it was better to suffer that loss, than to alienate " the whole order: but Cato opposed it, and pre- " vailed; so that now, when the consul was thrown " into prison, as well as in all the tumults which have " lately happened, not one of them would stir a " foot; though, under me, and the consuls who suc- " ceeded me, they had defended the Republic so " strenuously," &c.†

In the midst of these transactions, Julius Cæsar returned from the government of Spain, which had been allotted to him from his prætorship, with great fame, both for his military and political acts. He conquered the barbarous nations by his arms, and civilized them by his laws; and, having subdued the whole country, as far as the ocean, and been saluted emperor by the soldiers, came away, in all haste, to Rome, to sue, at the same time, for the double honour of a triumph and the consulship.‡ But his demand of the first was, according to the usual forms, incompatible with his pretensions to the second: since the one obliged him to continue without the city, the other made his presence necessary within: so that, finding an aversion in the senate, to dispense with the laws in his favour, he preferred the solid to the specious, and dropped the triumph, to lay

* Nam Catonem nostrum non tu amas plus, quam ego. Sed tamen ille optimo animo utens, et summa fide, nocet interdum Reipub. dicit enim tanquam in Platonis πολιτεία, non tanquam in Romuli fæce, sententiam. Ad Att. 2. 1.

† Restitit et pervicit Cato. Itaque nunc, Consule in carcere incluso, sæpe item seditione commota, aspiravit nemo eorum, quorum ego concursu, itemque Consules, qui post me fuerunt, Rempub. defendere solebant. Ad Att. 2. 1.

‡ Jura ipsorum permissu statuerit; inveteratam quandam barbariam ex Gaditanorum moribus et disciplina delerit. Pro Balbo, 19.

Pacatâque provinciâ, pari festinatione, non expectato successore, ad triumphum simul consulatumque decessit. Sueton. J. Cæs. 18. Vid. it. Dio, l. 37. p. 54.

A. Urb. 695. Cic. 47. Coss.—Q. Cæcilius Metellus Celer. L. Afranius.

hold on the consulship.* He designed L. Lucceius for his colleague, and privately joined interests with him, on condition that Lucceius, who was rich, should furnish money sufficient to bribe the centuries. But the senate, always jealous of his designs, and fearing the effects of his power, when supported by a colleague, subservient to his will, espoused the other candidate, Bibulus, with all their authority, and made a common purse, to enable him to bribe as high as his competitors; which Cato himself is said to have approved.† By this means they got Bibulus elected, to their great joy; a man firm to their interests, and determined to obstruct all the ambitious attempts of Cæsar.

Upon Cæsar's going to Spain, he had engaged Crassus to stand bound for him to his creditors, who were clamorous and troublesome, as far as two hundred thousand pounds sterling: so much did he want to be worth nothing, as he merrily said of himself.‡ Crassus hoped, by the purchase of his friendship, to be able to make head against Pompey, in the administration of public affairs: but Cæsar, who had long been courting Pompey, and labouring to disengage him from an union with Cicero, and the aristocratical interest, easily saw, that, as things then stood, their joint strength would avail but little towards obtaining what they aimed at, unless they could induce Pompey also to join with them: on pretence, therefore, of reconciling Pompey and Crassus, who had been constant enemies, he formed the project of a triple league between the three; by which they should mutually oblige themselves to promote each other's interest, and to act nothing but by common agreement: to this Pompey easily con-

* Dio, ib.

† Pactus ut is, quoniam inferior gratia esset, pecuniaque polleret, nummos de suo, communi nomine per centurias pronuntiaret. Qua cognita re, optimates, quos metus ceperat, nihil non ausurum eum in summo magistratu, concordi et consentiente collega, auctores Bibulo fuerunt tantundem pollicendi: ac plerique pecunias contulerunt; ne Catone quidem abnuente eam largitionem e Repub. fieri. Sueton. ib. 19.

‡ Plut. in Cæs. Appian. de bell. civ. 2. p. 432. Sueton. ib. 18.

A. Urb. 693. Cic. 47. Coss.—Q. Cæcilius Metellus Celer. L. Afranius.

sented, on account of the disgust which the senate had impolitically given him, by their perverse opposition to every thing which he desired, or attempted, in the state.

This is commonly called the first triumvirate; which was nothing else, in reality, but a traitorous conspiracy of three, the most powerful citizens of Rome, to extort from their country, by violence, what they could not obtain by law. Pompey's chief motive was to get his acts confirmed by Cæsar, in his consulship; Cæsar's, by giving way to Pompey's glory, to advance his own; and Crassus's, to gain that ascendant, which he could not sustain alone, by the authority of Pompey and the vigour of Cæsar.* But Cæsar, who formed the scheme, easily saw, that the chief advantage of it would necessarily redound to himself: he knew, that the old enmity between the other two, though it might be palliated, could never be healed, without leaving a secret jealousy between them; and as, by their common help, he was sure to make himself superior to all others, so, by managing the one against the other, he hoped to gain, at last, a superiority also over them both.† To cement this union, therefore, the more strongly, by the ties of blood, as well as interest, he gave his daughter Julia, a beautiful and accomplished young lady, in marriage to Pompey: and, from this era, all the Roman writers date the origin of the civil wars, which afterwards ensued, and the subversion of the Republic, in which they ended.‡

——— *tu causa malorum*
Facta tribus dominis communis Roma— LUCAN. 1. 85.
Hence flow'd our ills, hence all that civil flame,
When Rome the common slave of *three* became.

* Hoc consilium Pompeius habuerat, ut tandem acta in transmarinis provinciis per Cæsarem confirmarentur consulem: Cæsar autem, quod animadvertebat, se cedendo Pompeii gloriæ aucturum suam; et invidia communis potentiæ *in illum* relegata, confirmaturum vires suas: Crassus, ut quem principatum solus assequi non poterat, auctoritate Pompeii, viribus teneret Cæsaris. Vell. Pat. 2. 44.

† Sciebat enim, se alios facile omnes ipsorum auxilio, deinde ipsos etiam, unum per alterum, haud multo postea superaturum esse. Dio, l. 37. 55.

‡ Inter eum et Cn. Pompeium et Crassum inita potentiæ societas, quæ urbi orbi-

A. Urb. 693. Cic. 47. Coss.—Q. Cæcilius Metellus Celer. L. Afranius.

Cicero might have made what terms he pleased with the triumvirate; been admitted even a partner of their power, and a fourth in their league; which seemed to want a man of his character, to make it complete. For, while the rest were engaged in their governments, and the command of armies abroad, his authority would have been of singular use, at home, to manage the affairs of the city, and solicit what they had to transact with the senate or people. Cæsar, therefore, was extremely desirous to add him to the party, or to engage him rather in particular measures with himself; and, no sooner entered into the consulship, than he sent him word, by their common friend, Balbus, that he would be governed in every step by him and Pompey, with whom he would endeavour to join Crassus too.* But Cicero would not enter into any engagements, jointly with the three, whose union he abhorred; nor into private measures with Cæsar, whose intentions he always suspected. He thought Pompey the better citizen of the two; took his views to be less dangerous, and his temper more tractable; and imagined, that a separate alliance with him, would be sufficient to screen him from the malice of his enemies. Yet, this put him under no small difficulty: for, if he opposed the triumvirate, he could not expect to continue well with Pompey; or if he served it, with the senate: in the first, he saw his ruin; in the second, the loss of his credit. He chose, therefore, what the wise will always chuse in such circumstances, a middle way; to temper his behaviour so, that, with the constancy of his duty to the Republic, he might have a

que terrarum, nec minus diverso quoque tempore, etiam ipsis exitiabilis fuit. Vell. Pat. 2. 44.

Motum ex Metello consule civicum, &c. Hor. Carm. 2. 1.

* Cæsar consul egit eas res, quarum me participem esse voluit—me in tribus sibi conjunctissimis consularibus esse voluit. De Provinc. consular. 17.

Nam fuit apud me Cornelius, hunc dico Balbum, Cæsaris familiarem. Is affirmabat, cum omnibus in rebus meo et Pompeii consilio usurum, daturumque operam ut cum Pompeio Crassum conjungeret. Hic sunt hæc. Conjunctio mihi summa cum Pompeio; si placet etiam cum Cæsare. Ad Att. 2. 3.

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regard also to his safety, by remitting somewhat of his old vigour and contention, without submitting to the meanness of consent or approbation; and when his authority could be of no use to his country, to manage their new masters so, as not to irritate their power to his own destruction; which was all that he desired.* This was the scheme of politics, which, as he often laments the weakness of the honest, the perverseness of the envious, and the hatred of the wicked, obliged him to pursue.

One of his intimate friends, Papirius Pætus, made him a present, about this time, of a collection of books, which fell to him by the death of his brother Servius Claudius, a celebrated scholar and critic of that age.† The books were all at Athens, where Servius probably died: and the manner in which Cicero writes about them, to Atticus, shews what a value he set upon the present, and what pleasure he expected from the use of it.

"Papirius Pætus," says he, "an honest man, who "loves me, has given me the books, which his brother "Servius left; and since your agent Cincius tells me, "that I may safely take them by the Cincian law,‡ "I readily signified my acceptance of them. Now "if you love me, or know that I love you, I beg of "you to take care, by your friends, clients, hosts, "freedmen, slaves, that not a leaf of them be lost. "I am in extreme want both of the Greek books, "which I guess, and the Latin, which I know him "to have left: for I find more and more comfort "every day, in giving all the time, which I can steal "from the bar, to those studies. You will do me a "great pleasure, a very great one, I assure you, by

* Nihil jam a me asperum in quenquam fit, nec tamen quidquam populare ac dissolutum; sed ita temperata tota ratio est, ut Reip. constantiam præstem, privatis rebus meis, propter infirmitatem bonorum, iniquitatem malevolorum, odium in me improborum, adhibeam quandam cautionem. Att. 1. 19.

† Ut Servius, frater tuus, quem literatissimum fuisse judico, facile diceret, hic versus Plauti non est. Ep. fam. 9. 16.

‡ The pleasantry, which Cicero aims at, turns on the name of Atticus's agent, being the same with that of the author of the law; as if, by being of that family, his authority was a good warrant for taking any present.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

" shewing the same diligence in this, that you usu-
" ally do in all other affairs, which you take me to
" have much at heart," &c.*

While Cicero was in the country, in the end of the year, his architect, Cyrus, was finishing for him, at Rome, some additional buildings to his house, on Mount Palatin: but Atticus, who was just returned from Athens, found great fault with the smallness of the windows; to which Cicero gives a jocose answer, bantering both the objection of Atticus, and the way of reasoning of the architects: " You little
" think," says he, " that, in finding fault with my
" windows, you condemn the institution of Cyrus;†
" for, when I made the same objection, Cyrus told
" me, that the prospect of the fields did not appear
" to such advantage through larger lights. For let
" the eye be A; the object B, C; the rays D, E;
" you see the rest. If vision, indeed, were perform-
" ed, as you Epicureans hold, by images flying off
" from the object, those images would be well
" crowded in so strait a passage; but if, by the
" emission of rays from the eye, it will be made com-
" modiously enough. If you find any other fault,
" you shall have as good as you bring; unless it can
" be mended without any cost to me."‡

Cæsar and Bibulus entered now into the consulship, with views and principles wholly opposite to each other; while the senate were pleasing themselves with their address, in procuring one consul of their own, to check the ambition of the other, and expecting now to reap the fruit of it. But they presently found, upon trial, that the balance and constitution of the Republic were quite changed, by the overbearing power of the three; and that Cæsar was too strong to be controlled by any of the legal and ordinary methods of opposition: he had gained seven

* Ad Att. 1. 20.
† Referring to the celebrated piece of Xenophon, called by that name.
‡ Ad Att. 2. 3.

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of the tribunes, of whom Vatinus was the captain of his mercenaries; whose task it was to scour the streets, secure the avenues of the Forum, and clear it, by a superior force, of all who were prepared to oppose them.

Clodius, in the mean time, was pushing on the affair of his adoption; and soliciting the people to confirm the law, which he had provided for that purpose. The triumvirate pretended to be against it, or at least to stand neuter; but were watching Cicero's motions, in order to take their measures from his conduct, which they did not find so obsequious as they expected. In this interval it happened that C. Antonius, Cicero's colleague, who had governed Macedonia from the time of his consulship, was now impeached, and brought to a trial, for the mal-administration of his province; and, being found guilty, was condemned to perpetual exile. Cicero was his advocate, and, in the course of his pleading, happened to fall, with his usual freedom, into a complaint of the times, and the oppression of the Republic, in a style that was interpreted to reflect severely upon their present rulers. The story was carried directly to Cæsar, and represented to him in such colours, that he resolved to revenge it presently on Cicero, by bringing on Clodius's law; and was so eager in it, that he instantly called an assembly of the people, and, being assisted by Pompey, as augur, to make the act legal and auspicious, got the adoption ratified by the people, through all the forms,* within three hours from the time of Cicero's speaking.

Bibulus, who was an augur too, being advertised of what was going forward, sent notice to Pompey, that he was observing the heavens, and taking the auspices, during which function it was illegal to

* Hora fortasse sexta dici questus sum in judicio, cum C. Antonium defenderem, quædam de Repub. quæ mihi visa sunt ad causam miseri illius pertinere. Hæc homines improbi ad quosdam viros fortes longe alitur atque a me dicta erant, detulerunt. Hora nona, illo ipso die, tu es adoptatus. Pro Dom. 16. Vid Sueton. J. Cæs. 20.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

transact any business with the people.* But Pompey, instead of paying any regard to his message, gave a sanction to the proceeding, by presiding in it; so that it was carried without any opposition. And thus, the bow, as Cicero calls it, which had been kept bent against him and the Republic, was at last discharged;† and a plain admonition given to him, what he had to expect, if he would not be more complying. For his danger was brought one step nearer, by laying the tribunate open to Clodius, whose next attempt would probably reach home to him. These laws of adoption were drawn up in the style of a petition to the people, after the following form:

"May it please you, citizens, to ordain, that P. "Clodius be, to all intents and purposes of law, "as truly the son of Fonteius, as if he were be- "gotten of his body in lawful marriage; and that "Fonteius have the power of life and death over "him, as much as a father has over a proper son: "this, citizens, I pray you to confirm, in the manner "in which it is desired."‡

There were three conditions absolutely necessary to make an act of this kind regular: first, that the adopter should be older than the adopted, and incapable of procreating children, after having endeavoured it, without success, when he was capable: secondly, that no injury or diminution should be done to the dignity, or the religious rites of either family: thirdly, that there should be no fraud, or

* Negant fas esse agi cum populo cum de cœlo sevatum sit. Quo die de te lex curiata lata esse dicatur, audes negare de cœlo esse servatum? Adest præsens vir singulari virtute—M. Bibulus: hunc consulem illo ipso die contendo servasse de cœlo. Pro Dom. 15.

† Fuerat ille annus—tanquam intentus arcus in me unum, sicut vulgo rerum ignari loquebantur, re quidem vera in universam Rempub. traductione ad plebem furibundi hominis. Pro Sext. 7.

‡ The lawyers, and all the later writers, from the authority of A. Gellius, call this kind of adoption, which was confirmed by a law of the people, an adrogation: but it does not appear, that there was any such distinction in Cicero's time, who, as oft as he speaks of this act, either to the senate or the people, never uses any other term than that of adoption. Vid. A. Gell. l. 5. 19.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

collusion in it, nor any thing sought by it, but the genuine effects of a real adoption. All these particulars were to be previously examined by the college of priests; and if, after a due inquiry, they approved the petition, it was proposed to the suffrage of the citizens living in Rome, who voted according to their original division, into thirty curiæ, or wards, which seem to have been analogous to our parishes;* where no business, however, could be transacted, when an augur or consul was observing the heavens. Now, in this adoption of Clodius, there was not one of these conditions observed: the college of priests was not so much as consulted; the adopter, Fonteius, had a wife and children; was a man obscure and unknown, not full twenty years old, when Clodius was thirty-five, and a senator, of the noblest birth in Rome: nor was there any thing meant by it, but purely to evade the laws, and procure the tribunate; for, the affair was no sooner over, than Clodius was emancipated, or set free again, by his new father, from all his obligations.† But these obstacles signified nothing to Cæsar, who always took the shortest way to what he aimed at, and valued neither forms nor laws, when he had a power sufficient to control them.

But the main trial of strength between the two consuls was about the promulgation of an Agrarian law, which Cæsar had prepared, for distributing the lands of Campania to twenty thousand poor citizens, who had each three children or more. Bibulus mustered all his forces to oppose it, and came down to the Forum, full of courage and resolution, guarded by three of the tribunes and the whole body of the

* Comitiis Curiatis.

† Quod jus est adoptionis, Pontifices? Nempe, ut is adoptet, qui neque procreare liberos jam possit, et cum potuerit, sit expertus. Quæ denique causa cuique adoptionis, quæ ratio generum, ac dignitatis, quæ sacrorum, quæri a pontificum collegio solet. Quid est horum in ista adoptione quæsitum? Adoptat annos viginti natus, etiam minor, Senatorem. Liberorumne causa? at procreare potest. Habet uxorem: suscepit etiam liberos.—Quæ omnis notio pontificum cum adoptarere esse debuit, &c. Pro Dom. ad Pontif. 13

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

senate; and as oft as Cæsar attempted to recommend it, he as often interrupted him, and loudly remonstrated against it, declaring, that it should never pass in his year. From words they soon came to blows; where Bibulus was roughly handled; his fasces broken; pots of filth thrown upon his head; his three tribunes wounded, and the whole party driven out of the Forum, by Vatinius, at the head of Cæsar's mob.* When the tumult was over, and the Forum cleared of their adversaries, Cæsar produced Pompey and Crassus into the rostra, to signify their opinion of the law to the people; where Pompey, after speaking largely in praise of it, declared, in the conclusion, that if any should be so hardy as to oppose it with the sword, he would defend it with his shield. Crassus applauded what Pompey said, and warmly pressed the acceptance of it; so that it passed upon the spot, without any farther contradiction.† Cicero was in the country during this contest, but speaks of it with great indignation, in a letter to Atticus, and wonders at Pompey's policy, in supporting Cæsar in an act so odious, of alienating the best revenues of the Republic; and says, that he must not think to make them amends, by his rents on Mount Libanus, for the loss of those, which he had taken from them in Campania.‡ The senate and all the magistrates were obliged, by a special clause of this law, to take an oath to the observance of it; which Cato himself, though he had publicly declared that he never would do it, was forced, at last, to swallow.‖

Bibulus made his complaint, the next day, in the senate, of the violence offered to his person; but, finding the assembly so cold and intimidated, that

* Idemque tu—nomine C. Cæsaris, clementissimi atque optimi viri, scelere vero atque audacia tua, M. Bibulum foro, curia, templis, locis publicis omnibus expulisses, inclusum domi contineres. In Vatin. 9. Dio, 38. 61. Sueton. J. Cæs. 20. Plut. Pomp.

† Dio, ib. l. 38. 61.

‡ Cnæus quidem noster jam plane quid cogitet, nescio. Ad Att. 2. 16.

Quid dices? Vectigal te nobis in monte Antilibano constituisse, agri Campani abstulisse. Ib.

‖ Dio, ib.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

nobody cared to enter into the affair, or to move any thing about it, he retired to his house in despair, with a resolution to shut himself up for the remaining eight months of the year, and to act no more in public but by his edicts.* This was a weak step in a magistrate, armed with sovereign authority; for, though it had one effect, which he proposed by it, of turning the odium of the city upon his colleague, yet it had another, that overbalanced it, of strengthening the hands and raising the spirits of the adverse party, by leaving the field wholly clear to them.

As Cæsar's view, in the Agrarian law, was to oblige the populace, so he took the opportunity, which the senate had thrown into his hands, of obliging the knights too, by easing them of the disadvantageous contract, which they had long, in vain, complained of, and remitting a third part of what they had stipulated to pay him:† and when Cato still opposed it, with his usual firmness, he ordered him to be hurried away to prison. He imagined that Cato would have appealed to the tribunes; but seeing him go along patiently, without speaking a word, and reflecting, that such a violence would create a fresh odium, without serving any purpose, he desired one of the tribunes to interpose and release him.‡ He next procured a special law from the people, for the ratification of all Pompey's acts in Asia; and, in the struggle about it, so terrified and humbled Lucullus, who was the chief opposer, that he brought him to ask pardon at his feet.‖

He carried it still with great outward respect towards Cicero; and gave him to understand again, by Balbus, that he depended on his assistance in the Agrarian law: but Cicero contrived to be out

* Ac postero die in senatu conquestum, nec quoquam reperto, qui super tali consternatione referre, aut censere aliquid auderet—in eam coegit desperationem, ut quoad potestate abiret, domo abditus nihil aliud quam per edicta obnunciaret. Sueton. J. Cæs. 20.

† Dio, 38. 62. ‡ Plut. Cæs.

‖ L. Lucullo, liberius resistenti tantum calumniarum metum injecit, ud ad genua ultro sibi accederet. Sueton. J. Cæs. 20.

of the way, and spent the months of April and May in his villa, near Antium, where he had placed his chief collection of books;* amusing himself with his studies and his children, or, as he says, jocosely, in counting the waves. He was projecting, however, a system of geography, at the request of Atticus, but soon grew weary of it, as a subject too dry and jejune to admit of any ornament;† and being desired also by Atticus to send him the copies of two orations, which he had lately made, his answer was, that he had torn one of them, and could not give a copy; and did not care to let the other go abroad, for the praises which it bestowed on Pompey; being disposed rather to recant, than publish them, since the adoption of Clodius.‡ He seems, indeed, to have been too splenetic, at present, to compose any thing but invectives; of which kind he was now drawing up certain anecdotes, as he calls them, or a secret history of the times, to be shewn to none but Atticus, in the style of Theopompus, the most satirical of all writers: for all his politics, he says, were reduced to this one point, of hating bad citizens, and pleasing himself with writing against them: and since he was driven from the helm, he had nothing to wish, but to see the wreck from the shore; or, as Sophocles says,§

* Nam aut fortiter resistendum est legi Agrariæ, in quo est quædam dimicatio, sed plena laudis: aut quiescendum, quod est non dissimile, atque ire in Solonium, aut Antium: aut etiam adjuvandum, quod a me aiunt Cæsarem sic expectare, ut non dubitet. Ad Att. 2. 3.

Itaque aut libris me delecto, quorum habeo Antii festivam copiam, aut fluctus numero. Ib. 6.

† Etenim γεωγραφικὰ, quæ constituerám, magnus opus est,—et hercule sunt res difficiles ad explicandum et ὁμοιδεῖς; nec tam possunt ἀνθηρογραφεῖσθαι, quam videbatur. Ib.

‡ Orationes me duas postulas, quarum alteram non libebat mihi scribere, quia absciderám; alteram, ne laudarem eum, quem non amabam. Ib. 7.

Ut sciat hic noster Hierosolymarius, traductor ad plebem, quam bonam meis putissimis orationibus gratiam retulerit; quarum expecta divinam παλινῳδίαν. Ib. 9.

§ Itaque ἀνέκδοτα, quæ tibi uni legamus, Theopompino genere, aut etiam asperiore multo, pangentur. Neque aliud jam quicquam πολιτεύσομαι, nisi odisse improbos. Att. 2. 6.

Nunc vero cum cogar exire de navi, non abjectis sed receptis gubernaculis, cupio istorum naufragia ex terra intueri; cupio, ut ait tuus amicus Sophocles,

——————————κἀν ὑπὸ σίγῃ
πυκνὰς ἀκοῦσαι ψηκάδος ἰωδοῦσ' ὀμβρίου.—Ib. 7.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

Under the shelter of a good warm roof,
With mind serenely calm and prone to sleep,
Hear the loud storm and beating rain without.

Clodius, having got through the obstacle of his adoption, began, without loss of time, to sue for the tribunate, whilst a report was industriously spread, which amused the city for a while, of a breach between him and Cæsar. He declared every where, loudly, that his chief view, in desiring that office, was to rescind all Cæsar's acts; and Cæsar, on his part, as openly disclaimed any share in his adoption, and denied him to be a plebeian. This was eagerly carried to Cicero by young Curio; who assured him, that all the young nobles were as much incensed against their proud kings, as he himself, and would not bear them much longer; and that Memmius and Metellus Nepos had declared against them: which being confirmed also by Atticus's letters, gave no small comfort to Cicero; all whose hopes of any good depended, he says, upon their quarrelling among themselves.* The pretended ground of this rupture, as it is hinted in Cicero's letters, was Clodius's slighting an offer, which the triumvirate made to him, of an embassy to king Tigranes; for, being weary of his insolence, and jealous of his growing power, they had contrived this employment as an honourable way of getting rid of him: but, in the present condition of the Republic, Clodius knew his own importance too well, to quit his views at home, by an offer of so little advantage abroad; and was disgusted, that Cæsar had not named him among the twenty commissioners appointed to divide the Campanian lands; and resolved not to stir from

* Scito Curionem adolescentem venisse me salutatum. Valde ejus sermo de Publio cum tuis literis congruebat. Ipse vero mirandum in modum reges odisse superbos. Peræquè narrabat incensam esse juventutem, neque ferre hæc posse. Att. 2. 8.

Incurrit in me Roma veniens Curio meus—Publius, inquit, tribunatum plebis petit. Quid ais? et inimicissimus quidem Cæsaris, et ut omnia, inquit, ista rescindat. Quid Cæsar? inquam. Negat se quicquam de illius adoptione tulisse. Deinde suum, Memmii, Metelli Nepotis exprompsit odium. Complexus juvenem dimisi, properans ad epistolas. Ib. 12.

the city, till he had reaped the fruits of the tribunate. Cicero, mentioning this affair to Atticus, says, "I am much delighted with what you write "about Clodius: try all means to search into the "bottom of it; and send or bring me word, what-"ever you either learn or suspect; and, especially, "what he intends to do about the embassy. Be-"fore I read your letter, I was wishing that he "would accept it; not for the sake of declining a "battle with him, for I am in wonderful spirits for "fighting; but I imagined, that he would lose by it "all the popularity which he has gained, by going "over to the plebeians.—What then did you mean "by making yourself a plebeian? Was it only to pay "a visit to Tigranes? Do not the kings of Armenia "use to take notice of patricians? You see how I "had been preparing myself to rally the embassy; "which, if he slights, after all, and if this, as you "say, disgusts the authors and promoters of the "law, we shall have rare sport. But to say the "truth, Publius has been treated somewhat rudely "by them; since he, who was lately the only man "with Cæsar, cannot now find a place among the "twenty; and, after promising one embassy, they "put him off with another: and, while they bestow "the rich ones upon Drusus, or Vatinius, reserve "this barren one for him, whose tribunate was pro-"posed to be of such use to them. Warn him, I "beg of you, on this head, as much as you can; all "our hopes of safety are placed on their falling out "among themselves, of which, as I understand from "Curio, some symptoms begin already to appear."* But all this noise of a quarrel was found, at last, to be a mere artifice, as the event quickly shewed: or, if there was any real disgust among them, it proceeded no farther, than to give the better colour to a report, by which they hoped to impose upon Cicero, and draw some unwary people into a hasty

* Ad Att. 2. 7.

A. Urb. 694. Cic. 48. Cos.—C. Julius Cæsar. M. Calpurnius Bibulus.

declaration of themselves; and, above all, to weaken the obstruction of Clodius's election from that quarter, whence it was chiefly to be apprehended.

Cicero returned to Rome in May, after an interview with Atticus, who went abroad, at the same time, to his estate in Epirus: he resolved to decline all public business, as much as he decently could, and to give the greatest part of his time to the bar, and to the defence of causes; an employment always popular, which made many friends, and few enemies; so that he was still much frequented at home, and honourably attended abroad, and maintained his dignity, he says, not meanly, considering the general oppression; nor yet greatly, considering the part which he had before acted.* Among the other causes which he pleaded this summer, he twice defended A. Thermus, and once L. Flaccus; men of prætorian dignity, who were both acquitted. The speeches for Thermus are lost; but that for Flaccus remains, yet somewhat imperfect; in which, though he had lately paid so dear for speaking his mind too freely, we find several bold reflections on the wretched state of subjection, to which the city was now reduced.

This L. Valerius Flaccus had been prætor in Cicero's consulship, and received the thanks of the senate for his zeal and vigour in the seizure of Catiline's accomplices; but was now accused by P. Lælius of rapine and oppression, in his province of Asia, which was allotted to him from his prætorship. The defence consists chiefly in displaying the dignity of the criminal, and invalidating the credit of the Asiatic witnesses. Cicero observes, that the judges, who had known and seen the integrity of Flaccus's life, through a series of great employments, were themselves the best witnesses of it, and could not want to learn it from others, espe-

* Me tueor, ut oppressis omnibus, non demisse; ut tantis rebus gestis, parum fortiter. Ad Att. 2. 18.

cially from Grecians: that, for his part, he had always been particularly addicted to that nation and their studies, and knew many modest and worthy men among them: that he allowed them to have learning, the discipline of many arts, an elegance of writing, a fluency of speaking, and an acuteness of wit: but, as to the sanctity of an oath, they had no notion of it; knew nothing of the force and the efficacy of it: that all their concern in giving evidence was, not how to prove, but how to express, what they said: that they never appeared in a cause, but with a resolution to hurt; nor ever considered what words were proper for an oath, but what were proper to do mischief; taking it for the last disgrace, to be baffled, confuted, and outdone in swearing; so that they never chose the best and worthiest men for witnesses, but the most daring and loquacious: in short, that the whole nation looked upon an oath as a mere jest, and placed all their credit, livelihood, and praise, on the success of an impudent lie: whereas, of the Roman witnesses, who were produced against Flaccus, though several of them came angry, fierce, and willing to ruin him, yet, one could not help observing with what caution and religion they delivered what they had to say; and, though they had the greatest desire to hurt, yet, could not do it for their scruples: that a Roman, in giving his testimony, was always jealous of himself, lest he should go too far; weighed all his words, and was afraid to let any thing drop from him too hastily and passionately; or to say a syllable more or less than was necessary.* Then, after shewing at large

* Pro Flacco. 4. 5. This character of the Greek and Roman witnesses is exactly agreeable to what Polybius, though himself a Grecian, had long before observed; that those, who managed the public money in Greece, though they gave ever so many bonds and sureties for their behaviour, could not be induced to act honestly, or preserve their faith, in the case even of a single talent: whereas, in Rome, out of pure reverence to the sanctity of an oath, they were never known to violate their trust, though in the management of the greatest sums. [Polyb. l. 6. p. 498.] This was certainly true of the old Republic; but we must make great allowance for the language of the bar, when we find Cicero applying the same integrity and regard to an oath to the character of his own times.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

by what scandalous methods this accusation was procured against Flaccus, and after exposing the vanity of the crimes charged upon him, together with the profligate characters of the particular witnesses, he declares, that the true and genuine Grecians were all on Flaccus's side, with public testimonies and decrees in his favour. "Here," says he, "you see the Athenians, whence humanity, "learning, religion, the fruits of the earth, the rights "and laws of mankind, are thought to have been "first propagated; for the possession of whose city, "the gods themselves are said to have contended, "on the account of its beauty: which is of so great "antiquity, that it is reported to have brought forth "its own citizens, and the same spot to have been "their parent, their nurse, and their country; and "of so great authority, that the broken and shattered fame of Greece depends now singly on the "credit of this city. Here also are the Lacedæmonians, whose tried and renowned virtue was "confirmed not only by nature, but by discipline; "who alone, of all the nations upon earth, have subsisted for above seven hundred years, without any "change in their laws and manners. Nor can I "pass over the city of Marseilles, which knew "Flaccus when first a soldier, and afterwards quæstor; the gravity of whose discipline I think preferable, not only to Greece, but to all other cities; "which, though separated so far from the country, "the customs, and the language of all Grecians, surrounded by the nations of Gaul, and washed by the "waves of barbarism, is so wisely governed by the "councils of an aristocracy, that it is easier to praise "their constitution, than to imitate it."* One part of the charge against Flaccus, was, for prohibiting the Jews to carry out of his province the gold, which they used to collect, annually, through the empire, for the temple of Jerusalem; all which he

* Ib. 26.

seized and remitted to the treasury at Rome. The charge itself seems to imply, that the Jews made no mean figure, at this time, in the empire; and Cicero's answer, though it betrays a great contempt of their religion, through his ignorance of it, yet shews, that their numbers and credit were very considerable also in Rome. The trial was held near the Aurelian steps, a place of great resort for the populace, and particularly for the Jews, who used it, probably, as a kind of exchange, or general rendezvous of their countrymen: Cicero, therefore, proceeds to say, "It "was for this reason, Lælius, and for the sake of this "crime, that you have chosen this place, and all this "crowd, for the trial: you know what a numerous "band the Jews are; what concord among themselves; what a bustle they make in our assemblies. I will speak softly, that the judges only "may hear me; for there are people ready to incite "them against me, and against every honest man; "and I would not willingly lend any help to that "design. Since our gold then is annually carried "out of Italy, and all the provinces, in the name of "the Jews, to Jerusalem, Flaccus, by a public edict, "prohibited the exportation of it from Asia; and "where is there a man, judges, who does not truly "applaud this act? The senate, on several different "occasions, but more severely in my consulship, "condemned the exportation of gold. To withstand this barbarous superstition was a piece, "therefore, of laudable discipline; and, out of regard to the Republic, to contemn the multitude of "Jews, who are so tumultuous in all our assemblies, "an act of the greatest gravity: but Pompey, it "seems, when he took Jerusalem, meddled with nothing in that temple: in which, as on many other "occasions, he acted prudently, that, in so suspicious and ill-tongued a people, he would not give "any handle for calumny; for I can never believe, "that it was the religion of Jews and enemies, which

" hindered this excellent general, but his own mo-
" desty." Then, after shewing that Flaccus had not embezzled or seized the gold to his own use, but transmitted it to the public treasury, he observes, that it was not, therefore, for the sake of the crime, but to raise an envy, that this fact was mentioned; and that the accuser's speech was turned from the judges, and addressed to the circle around them: " Every city," says he, " Lælius, has its religion; we " have our's: while Jerusalem flourished, and Judæa " was at peace with us, yet their religious rites were " held inconsistent with the splendour of this em-
" pire, the gravity of the Roman name, and the in-
" stitutions of our ancestors: but much more ought " they to be held so now; since they have let us see, " by taking arms, what opinion they have of us: and, " by their being conquered, how dear they are to the " gods."* He proceeds, in the last place, to shew, what he had intimated in the beginning, that the real aim of this trial was to sacrifice those, who had signalized themselves against Catiline, to the malice and revenge of the seditious; and puts the judges in mind, that the fate of the city, and the safety of all honest men, now rested on their shoulders: that they saw in what an unsettled state things were, and what a turn their affairs had taken: that, among many other acts, which certain men had done, they were now contriving, that, by the votes and decisions of the judges, every honest man might be undone: that these judges, indeed, had given many laudable judgments in favour of the Republic; many, against the wickedness of the conspirators: yet, some people thought the Republic not yet sufficiently changed, till the best citizens were involved in the same punishment with the worst. " C. Anto-
" nius," says he, " is already oppressed; let it be so;
" he had a peculiar infamy upon him: yet, even he,

* Ib. 28.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

"if I may be allowed to say it, would not have been "condemned by you: upon whose condemnation a "sepulchre was dressed up to Catiline, and cele- "brated with a feast and concourse of our audacious "and domestic enemies, and funeral rites performed "to him: now the death of Lentulus is to be re- "venged on Flaccus; and, what more agreeable sa- "crifice can you offer to him, than by Flaccus's "blood to satiate his detestable hatred of us all? Let "us then appease the manes of Lentulus; pay the "last honours to Cethegus; recal the banished; "nay, let me also be punished for the excess of my "love to my country: I am already named and "marked out for a trial; have crimes forged; dan- "gers prepared for me; which, if they had attempt- "ed in any other method, or if, in the name of the "people, they had stirred up the unwary multitude "against me, I could better have borne it; but it is "not to be endured, that they should think to drive "out of the city the authors, the leaders, the cham- "pions of our common safety, by the help of sena- "tors and knights, who, with one mind and con- "sent, assisted so greatly in the same cause. They "know the mind and inclination of the Roman peo- "ple: the people themselves take all possible oc- "casions of declaring it: there is no variety in their "sentiments or their language. If any one, there- "fore, call me thither, I come: I do not only not re- "fuse, but require the Roman people for my judge: "let force only be excluded; let swords and stones "be removed; let mercenaries be quiet; let slaves "be silent; and when I come to be heard for my- "self, there will not be a man so unjust, if he be "free and a citizen, who will not be of opinion, that "they ought to vote me rewards, rather than punish- "ment."* He concludes, by applying himself, as usual, to move the pity and clemency of the bench

* Ib. 38.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

towards the person of the criminal, by all the topics proper to excite compassion: the merit of his former services; the lustre of his family; the tears of his children; the discouragement of the honest; and the hurt, which the Republic would suffer, in being deprived, at such a time, of such a citizen.

Q. Cicero, who succeeded Flaccus in the province of Asia, was now entering into the third year of his government, when Cicero sent him a most admirable letter of advice, about the administration of his province; fraught with such excellent precepts of moderation, humanity, justice, and laying down rules of governing, so truly calculated for the good of mankind, that it deserves a place in the closets of all who govern, and especially of those who are entrusted with the command of foreign provinces; who, by their distance from any immediate control, are often tempted, by the insolence of power, to acts of great oppression.

The triumvirate was now dreaded and detested by all ranks of men: and Pompey, as the first of the league, had the first share of the public hatred: "so that these affecters of popularity," says Cicero, "have taught even modest men to hiss."* Bibulus was continually teazing them by his edicts; in which he inveighed and protested against all their acts. These edicts were greedily received by the city; all people got copies of them; and, wherever they were fixed up in the streets, it was scarce possible to pass, for the crowds which were reading them.† "Bibulus was extolled to the skies; though I know "not why," says Cicero, "unless, like another Fa- "bius, he is thought to save the state by doing no-

* Qui fremitus hominum? qui irati animi? quanto in odio noster amicus magnus? Ad Att. 2. 13.

Scito nihil unquam fuisse tam infame, tam turpe, tam peræque omnibus generibus, ordinibus, ætatibus offensum, quam hunc statum, qui nunc est: magis mehercule quam vellem, non modo quam putaram. Populares isti jam etiam modestos homines sibilare docuerunt. Ib. 19.

† Itaque archilochia in illum edicta Bibuli populo ita sunt jucunda, ut eum locum, ubi proponuntur, præ multitudine eorum qui legunt, transire nequeunt. Ad Att. 2. 21.

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

" thing: for what is all his greatness of mind, but a " mere testimony of his sentiments, without any ser- " vice to the Republic ?"* His edicts, however, provoked Cæsar so far, that he attempted to excite the mob to storm his house, and drag him out by force: and Vatinius actually made an assault upon it, though without success.† But while all the world disliked, lamented, and talked loudly against these proceedings; and, above all, young Curio, at the head of the young nobility; " yet, we seek no remedy," says Cicero, " through a persuasion, that there is no re- " sisting, but to our destruction."‡

The inclinations of the people were shewn, chiefly, as he tells us, in the theatres and public shows; where, when Cæsar entered, he was received only with a dead applause; but when young Curio, who followed him, appeared, he was clapped, as Pompey used to be in the height of his glory. And in the Apollinarian plays, Diphilus, the tragedian, happening to have some passages, in his part, which were thought to hit the character of Pompey, he was forced to repeat them a thousand times:

Thou, by our miseries, art great——
The time will come, when thou wilt wretchedly lament that greatness——
If neither law nor custom can restrain thee——

at each of which sentences, the whole theatre made such a roaring and clapping, that they could hardly be quieted.‖ Pompey was greatly shocked, to find himself fallen so low in the esteem of the city: he

* Bibulus in cœlo est; nec quare, scio. Sed ita laudatur, quasi, unus homo nobis cunctando restituit rem. Ib. 19.

Bibuli autem ista magnitudo animi in comitiorum dilatione, quid habet, nisi ipsius judicium sine ulla correctione Reipub. Ib. 15.

† Putarat Cæsar oratione sua posse impelli concionem, ut iret ad Bibulum; multa cum seditiosissime diceret, vocem exprimere non potuit. Att. 2. 21.

Qui consulem morti objeceris, inclusum obsederis, extrahere ex suis tectis conatus sis. In Vatin. 9.

‡ Nunc quidem novo quodam morbo civitas moritur; ut cum omnes ea, quæ sunt acta, improbent, querantur, doleant, varietas in re nulla fit, aperteque loquantur et jam clare gemant; tamen medicina nulla afferatur, neque enim resisti sine internecione posse arbitramur. Att. 2. 20.

‖ Diphilus Tragœdus in nostrum Pompeium petulanter invectus est: " Nostrâ " miseriâ tu es magnus," millies coactus est dicere. Tandem virtutem istam veniet tempus cum graviter gemes, totius theatri clamore dixit, itemque cætera. Nam et

A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus.

had, hitherto, lived in the midst of glory, an utter stranger to disgrace, which made him the more impatient under so mortifying a change: "I could "scarce refrain from tears," says Cicero, "to see "what an abject, paltry figure he made in the rostra, "where he never used to appear, but with universal "applause and admiration; meanly haranguing "against the edicts of Bibulus, and displeasing not "only his audience, but himself: a spectacle, agree-"able to none, so much as to Crassus; to see him "fallen so low from such a height:—and as Apelles, "or Protogenes, would have been grieved to see "one of their capital pieces besmeared with dirt, so "it was a real grief to me, to see the man, whom I "had painted with all the colours of my art, become "of a sudden so deformed; for though nobody can "think, since the affair of Clodius, that I have any "reason to be his friend; yet my love for him was "so great, that no injury could efface it."*

Cæsar, on the other hand, began to reap some part of that fruit, which he expected from their union: he foresaw, from the first, that the odium of it would fall upon Pompey; the benefit accrue to himself:† till Pompey, gradually sinking under the envy, and himself insensibly rising by the power of it, they might come at last to act upon a level: or, as Florus states the several views of the three, Cæsar wanted to acquire; Crassus to increase; Pompey to pre-

ejusmodi sunt ii versus, ut in tempus ab inimico Pompeii scripti esse videantur. Si neque leges, neque mores cogunt, et cætera magno cum fremitu et clamore dicta sunt. Ib. 19.

Valerius Maximus, who tells the same story, says, that Diphilus, in pronouncing those sentences, stretched out his hands towards Pompey, to point him out to the company. But it appears, from Cicero's account of it, in his letter to Atticus, that Pompey was then at Capua; whither Cæsar sent an express to him, in all haste, to acquaint him with what had passed, and to call him, probably, to Rome. Val. Max. 6. 2.

* Ut ille tum humilis, ut demissus erat: ut ipse etiam sibi, non iis solum qui aderant, displicebat. O spectaculum uni Crasso jucundum, &c.—Quanquam nemo putabat propter Clodianum negotium me illi amicum esse debere: tamen tantus fuit amor, ut exhauriri nulla posset injuria. Ad Att. 2. 21.

† Cæsar animadvertebat se—invidia communis potentiæ in illum relegata, confirmaturum vires suas. Vell. Pat. 2. 44.

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serve his dignity.* So that Pompey, in reality, was but the dupe of the other two; whereas, if he had united himself with Cicero, and through him with the senate, whither his own and his country's interest called him, and where, from the different talents of the men, there could have been no contrast of glory or power; he must have preserved, through life, what his utmost ambition seemed to aim at, the character not only of the first, but of the best citizen in Rome: but, by his alliance with Cæsar, he lent his authority to the nursing up a rival, who gained upon him daily in credit, and grew too strong for him, at last, in power. The people's disaffection began to open his eyes, and make him sensible of his error; which he frankly owned to Cicero, and seemed desirous of entering into measures with him to retrieve it.† He saw himself on the brink of a precipice, where to proceed was ruinous, to retreat ignominious: the honest were become his enemies; and the factious had never been his friends. But though it was easy to see his mistake, it was difficult to find a remedy: Cicero pressed the only one, which could be effectual, an immediate breach with Cæsar, and used all arguments to bring him to it; but Cæsar was more successful, and drew Pompey quite away from him;‡ and, having got possession, entangled him so fast, that he could never disengage himself till it was too late.

But, to give a turn to the disposition of the people, or to draw their attention, at least, another way, Cæ-

* Sic igitur Cæsare dignitatem comparare, Crasso augere, Pompeio retinere, cupientibus, omnibusque pariter potentia cupidis, de invadenda Repub. facile convenit. Lib. 4. 2. 11.

† Sed quod facile sentias, tædet ipsum Pompeium, vehementerque pœnitet, &c. Att. 2. 22.

Primum igitur illud te scire volo, Sampsiceranum, nostrum amicum, vehementer sui status pœnitere, restituique in eum locum cupere, ex quo decidit, doloremque suum impertire nobis, et medicinam interdum aperte quærere; quam ego possum invenire nullam. Ib. 23.

‡ Ego M. Bibulo, præstantissimo cive, consule, nihil prætermisi, quantum facere, nitique potui, quin Pompeium a Cæsaris conjunctione avocarem. In quo Cæsar felicior fuit: ipse enim Pompeium a mea familiaritate disjunxit. Philip. 2. 10.

sar contrived to amuse the city with the discovery of a new conspiracy, to assassinate Pompey. Vettius, who, in Catiline's affair, had impeached Cæsar, and smarted severely for it, was now instructed how to make amends for that step, by swearing a plot upon the opposite party; particularly upon young Curio, the briskest opposer of the triumvirate. For this purpose, he insinuated himself into Curio's acquaintance, and, when he was grown familiar, opened to him a resolution, which he pretended to have taken, of killing Pompey, in expectation of drawing some approbation of it from him: but Curio carried the story to his father, who gave immediate information of it to Pompey; and so the matter, being made public, was brought before the senate. This was a disappointment to Vettius, who had laid his measures so, that he himself should have been seized in the Forum with a poignard, and his slaves taken also with poignards; and, upon his examination, was to have made the first discovery, if Curio had not prevented him. But, being now examined before the senate, he denied, at first, his having any such discourse with Curio; but presently recanted, and offered to discover what he knew, upon promise of pardon, which was readily granted: he then told them, that there was a plot, formed by many of the young nobility, of which Curio was the head: that Paullus was engaged in it, from the first, with Brutus also and Lentulus, the son of the Flamen, with the privity of his father: that Septimius, the secretary of Bibulus, had brought him a dagger from Bibulus himself.—This was thought ridiculous, that Vettius should not be able to procure a dagger, unless the consul had given him one.—Young Curio was called in to answer to Vettius's information, who soon confounded him, and shewed his narrative to be inconsistent and impossible: for he had deposed that the young nobles had agreed to attack Pompey in the Forum, on the day when Gabinius gave his show of

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gladiators, and that Paullus was to be leader in the attack; but it appeared, that Paullus was in Macedonia at that very time.—The senate, therefore, ordered Vettius to be clapped into irons, and that if any man released him, he should be deemed a public enemy.

Cæsar, however, unwilling to let the matter drop so easily, brought him out again the next day, and produced him to the people in the rostra; and, in that place, where Bibulus, though consul, durst not venture to shew himself, exhibited this wretch, as his puppet, to utter whatever he should think fit to inspire. Vettius impeached several here, whom he had not named before in the senate; particularly Lucullus and Domitius: he did not name Cicero, but said, that a certain senator, of great eloquence, and consular rank, and a neighbour of the consul, had told him, that the times wanted another Brutus, or Ahala. When he had done, and was going down, being called back again, and whispered by Vatinius, and then asked, aloud, whether he could recollect nothing more, he farther declared, that Piso, Cicero's son-in-law, and M. Laterensis, were also privy to the design.* But it happened in this, as it commonly does in all plots, of the same kind, that the too great eagerness of the managers destroyed its effect: for, by the extravagance to which it was pushed, it confuted itself; and was entertained with so general a contempt, by all orders, that Cæsar was glad to get rid of it, by strangling or poisoning Vettius privately, in prison, and giving it out, that it was done by the conspirators.†

The senate had still one expedient in reserve for mortifying Cæsar, by throwing some contemptible province upon him, at the expiration of his consul-

* Ad Att. 2. 24. in Vatin. 11. Sueton. J. Cæs. 20.

† Fregerisne in carcere cervices ipsi illi Vettio, ne quod indicium corrupti judicii extaret? In Vatin. 11.

Cæsar—desperans tam præcipitis consilii eventum, intercepisse veneno indicem creditur. Sueton. J. Cæs. 20. Plut. in Lucull.

* A. Urb. 694. Cic. 48. Coss.—C. Julius Cæsar. M. Calpurnius Bibulus

ship; as the care of the woods or the roads; or what should give him at least no power to molest them.* The distribution of the provinces was, by ancient usage and express law, their undoubted prerogative; which had never been invaded, or attempted by the people;† so that this piece of revenge, or rather self-defence, seemed to be clearly in their power: but Cæsar, who valued no law or custom, which did not serve his purposes, without any regard to the senate, applied himself to his better friends, the people; and, by his agent, Vatinius, procured from them, by a new and extraordinary law, the grant of Cisalpine Gaul, with the addition of Illyricum, for the term of five years. This was a cruel blow to the power of the senate, and a direct infringement of the old constitution; as it transferred to the people a right which they had never exercised or pretended to before.‡ It convinced the senate, however, that all opposition was vain; so that when Cæsar soon after declared a desire to have the Transalpine Gaul added to his other provinces, they decreed it to him readily themselves; to prevent his recurring a second time to the people, and establishing a precedent, so fatal to their authority.§

Clodius began now to threaten Cicero, with all the terrors of his tribunate; to which he was elected without any opposition: and, in proportion as the danger approached, Cicero's apprehensions were every day more and more alarmed. The absence of his friend Atticus, who was lately gone to Epirus, was an additional mortification to him: for Atticus,

* Eandem ob causam opera optimatibus data est, ut provinciæ futuris Coss. minimi negotii, id est, sylvæ callesque, decernerentur. Sueton. 19.

† Tu provincias consulares, quas C. Gracchus, qui unus maxime popularis fuit, non modo non abstulit ab Senatu; sed etiam ut necesse esset, quotannis constitui per Senatum decreta lege sanxit. Pro Dom. 9.

‡ Eripueras Senatui provinciæ decernendæ potestatem; Imperatoris deligendi judicium; ærarii dispensationem; quæ nunquam sibi populus Romanus appetivit, qui nunquam hæc a summi consilii gubernatione auferre conatus est. In Vatin. 15.

§ Initio quidem Galliam Cisalpinam, abjecto Illyrico, lege Vatinia accepit: mox per Senatum Comatam quoque: veritis Patribus, ne si ipsi negassent, populus et hanc daret. Sueton. 22.

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having a great familiarity with all the Clodian family, might have been of service, either in dissuading Clodius from any attempt, or in fishing out for him, at least, what he really intended. Cicero pressed him, therefore, in every letter, to come back again to Rome: "If you love me," says he, "as much as I "am persuaded you do, hold yourself ready to run "hither, as soon as I call: though I am doing, and "will do, every thing in my power to save you that "trouble.* My wishes and my affairs require you: "I shall want neither counsel, nor courage, nor "forces, if I see you here at the time. I have reason "to be satisfied with Varro: Pompey talks divinely.†—How much do I wish that you had staid at "Rome! as you surely would have done, if you had "imagined how things would happen: we should "easily have managed Clodius, or learnt, at least, "for certain, what he meant to do. At present he "flies about, raves; knows not what he would be "at; threatens many, and will take his measures, "perhaps, at last from chance. When he reflects, "in what a general odium the administration of our "affairs now is, he seems disposed to turn his attacks upon the authors of it: but, when he con"siders their power, and their armies, he falls again "upon me, and threatens me both with violence and "a trial.—Many things may be transacted by our "friend Varro, which, when urged also by you, "would have the greater weight; many things "may be drawn from Clodius himself; many dis"covered, which cannot be concealed from you; but "it is absurd to run into particulars, when I want "you for all things—the whole depends on your "coming before he enters into his magistracy.‡

* Tu, si me amas tantum, quantum profecto amas, expeditus facito ut sis; si inclamaro, ut accurras. Sed do operam, et dabo, ne sit necesse. Ad Att. 2. 20.

† Te cum ego desidero, tum etiam res ad tempus illud vocat. Plurimum consilii, animi, præsidii denique mihi, si te ad tempus videro, accesserit. Varro mihi satisfecit, Pompeius loquitur divinitûs. Ib. 21.

‡ Ib. 22.

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"Wherefore, if this finds you asleep, awake your-
"self; if standing still, come away; if coming, run;
"if running, fly: it is incredible, what a stress I lay
"on your counsel and prudence; but, above all, on
"your love and fidelity,"* &c.

Cæsar's whole aim, in this affair, was to subdue Cicero's spirit, and distress him so far, as to force him to a dependance upon him: for which end, while he was privately encouraging Clodius to pursue him, he was proposing expedients to Cicero for his security: he offered to put him into the commission, for distributing the lands of Campania, with which twenty of the principal senators were charged: but, as it was an invitation only into the place of one deceased, and not an original designation, Cicero did not think it for his dignity to accept it; nor cared, on any account, to bear a part in an affair so odious:† he then offered, in the most obliging manner, to make him one of his lieutenants in Gaul, and pressed it earnestly upon him; which was both a sure and honourable way of avoiding the danger, and what he might have made use of, so far only as it served his purpose, without embarrassing himself with the duty of it;‡ yet Cicero, after some hesitation, declined this also. He was unwilling to owe the obligation of his safety to any man, and much more to Cæsar; being desirous, if possible, to defend himself by his own strength; as he could easily have done, if the triumvirate would not have acted against him. But this stiffness so exasperated Cæsar, that he resolved immediately to assist Clodius, with all his power, to

* Quamobrem, si dormis, expergiscere; si stas, ingredere; si ingrederis, curre; si curris, advola. Credibile non est, quantum ego in consiliis et prudentia tua, et quod maximum est, quantum in amore et fide ponam. Ad Att. 2. 23.

† Cosconio mortuo, sum in ejus locum invitatus. Id erat vocari in locum mortui. Nihil me turpius apud homines fuisset; neque vero ad istam ipsam ἀσφάλειαν quicquam alienius. Sunt enim illi apud bonos invidiosi. Ib. 19.

‡ A Cæsare valde liberaliter invitor in legationem illam, sibi ut sim legatus. Illa et munitior est, et non impedit, quo minus adsim, cum velim. Ib. 18.

Cæsar me sibi vult esse legatum. Honestior hæc declinatio periculi. Sed ego hoc nunc repudio. Quid ergo est? Pugnare malo: nihil tamen certi. Ib. 19.

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oppress him; and, in excuse for it, afterwards, used to throw the whole blame on Cicero himself, for slighting, so obstinately, all the friendly offers which he made to him.* Pompey, all this while, to prevent his throwing himself, perhaps, into Cæsar's hands, was giving him the strongest assurances, confirmed by oaths and vows, that there was no danger, and that he would sooner be killed himself, than suffer him to be hurt; that both Clodius and his brother Appius had solemnly promised to act nothing against him, but to be wholly at his disposal; and if they did not keep their word, that he would let all the world see, how much he preferred Cicero's friendship to all his other engagements. In Cicero's account of this to Atticus, "Varro," says he, "gives me full satisfaction. Pompey loves me, and "treats me with great kindness. Do you believe "him? you'll say. Yes, I do. He convinces me, "that he is in earnest. Yet, since all men of affairs, "in their historical reflections, and even poets too, "in their verses, admonish us always to be upon our "guard, nor to believe too easily; I comply with "them in one thing; to use all proper caution, as "far as I am able; but, for the other, find it impos-"sible for me not to believe him."†

But, whatever really passed between Clodius and Pompey; Cicero, perceiving that Clodius talked in a different strain to every body else, and denounced

* Ac solet, cum se purgat, in me conferre omnem istorum temporum culpam: ita me sibi fuisse inimicum, ut ne honorem quidem a se accipere vellem. Att. 9. 2.

Non caruerunt suspicione oppressi Ciceronis, Cæsar et Pompeius. Hoc sibi contraxisse videbatur Cicero, quod inter xx viros dividendo agro Campano esse noluisset. Vell. Pat. 2. 45.

† Pompeius omnia pollicetur et Cæsar: quibus ego ita credo, ut nihil de mea comparatione diminuam. Ad Quint. Fr. 1. 2.

Pompeius amat nos, carosque habet. Credis? inquies, Credo: Prorsus mihi persuadet. Sed quia, ut video, pragmatici homines omnibus historicis præceptis, versibus denique cavere jubent, et vetant credere; alterum facio, ut caveam; alterum, ut non credam, facere non possum. Clodius adhuc mihi denunciat periculum: Pompeius affirmat non esse periculum; adjurat, addit etiam, se prius occisum iri ab eo, quam me violatum iri. Ad Att. 2. 20.

Fidem recepisse sibi et Clodium et Appium de me: hanc si ille non servaret, ita laturum, ut omnes intelligerent, nihil antiquius amicitia nostra fuisse, &c. Ib. 22.

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nothing but war and ruin to him, began to be very suspicious of Pompey; and prepared to defend himself by his genuine forces, the senate and the knights, with the honest of all ranks, who were ready to fly to his assistance from all parts of Italy.* This was the situation of affairs, when Clodius entered upon the tribunate; where his first act was to put the same affront on Bibulus, which had been offered before to Cicero, on laying down that office, by not suffering him to speak to the people, but only to take the accustomed oath.

Q. Metellus Celer, an excellent citizen and patriot, who, from his consulship, obtained the government of Gaul, to which Cæsar now succeeded, died suddenly this summer at Rome, in the vigour of his health and flower of his age, not without suspicion of violence. His wife, the sister of Clodius, a lewd, intriguing woman, was commonly thought to have poisoned him; as well to revenge his opposition to all the attempts of her brother, as to gain the greater liberty of pursuing her own amours. Cicero does not scruple to charge her with it, in his speech for Cælius, where he gives a moving account of the death of her husband, whom he visited in his last moments; when, in broken, faultering accents, he foretold the storm, which was ready to break, both upon Cicero and the Republic; and, in the midst of his agonies, signified it to be his only concern, in dying, that his friend and his country should be deprived of his help at so critical a conjuncture.†

By Metellus's death a place became vacant in the

* Clodius est inimicus nobis. Pompeius confirmat eum nihil facturum esse contra me. Mihi periculosum est credere: ad resistendum me paro. Studia spero me summa habiturum omnium ordinum. Ib. 21.

Si diem Clodius dixerit, tota Italia concurret—sin autem vi agere conabitur—omnes se et suos liberos, amicos, clientes, libertos, servos, pecunias denique suas pollicentur. Ad Quint. Fr. 1. 2.

† Cum ille—tertio die post quam in curia, quam in rostris, quam in Repub. floruisset, integerrima ætate, optimo habitu, maximis viribus, eriperetur bonis omnibus atque universæ civitati.—Cum me intuens flentem significabat interruptis atque morientibus vocibus, quanta impenderet procella urbi, quanta tempestas civitati—ut non se emori, quam spoliari suo præsidio cum patriam, tum etiam me doleret.—Ex hac igitur domo progressa illa mulier de veneni celeritate dicere audebit? Pro Cælio, 24.

college of Augurs: and, though Cicero was so shy of accepting any favour from the triumvirate, yet he seems inclined to have accepted this, if it had been offered to him, as he intimates in a letter to Atticus. "Tell me," says he, "every tittle of news that is "stirring; and since Nepos is leaving Rome, who is "to have his brother's augurate, it is the only thing "with which they could tempt me. Observe my "weakness! But what have I to do with such things, "to which I long to bid adieu, and turn myself en- "tirely to philosophy? I am now in earnest to do "it; and wish that I had been so from the begin- "ning."* But his inclination to the augurate, at this time, was nothing else, we see, but a sudden start of an unweighed thought; no sooner thrown out than retracted; and dropped only to Atticus, to whom he used to open all his thoughts, with the same freedom, with which they offered themselves to his own mind:† for it is certain, that he might have had this very augurate, if he had thought it worth asking for; nay, in a letter to Cato, who could not be ignorant of the fact, he says, that he had actually slighted it; which seems, indeed, to have been the case:‡ for though he was within twenty miles of

* Et numquid novi omnino: et quoniam Nepos proficiscitur, cuinam Auguratus deferatur, quo quidem uno ego ab istis capi possum. Vide levitatem meam! Sed quid ego hæc, quæ cupio deponere, et toto animo atque omni cura φιλοσοφοῦν? Sic, inquam, in animo est; vellem ab initio. Ad Att. 2. 5.

An ingenious French writer, and an English one also, not less ingenious, have taken occasion, from this passage, to form a heavy charge against Cicero, both in his civil and moral character. The Frenchman descants, with great gravity, on the foible of human nature, and the astonishing weakness of our orator, in suffering a thought to drop from him, which must, for ever, ruin his credit with posterity, and destroy that high opinion of his virtue, which he labours every where to inculcate. But a proper attention to the general tenor of his conduct would easily have convinced him of the absurdity of so severe an interpretation; and the facts produced in this history abundantly shew that the passage itself cannot admit any other sense, than what I have given to it, as it is rendered also by M. Mongault, the judicious translator of the epistles to Atticus, viz. that the augurate was the only bait that could tempt him, not to go into the measures of the triumvirate, for that was never in his thoughts, but to accept any thing from them, or suffer himself to be obliged to them. See Hist. de l'Exil de Ciceron. p. 42. Considerations on the Life of Cic. p. 27.

† Ego tecum, tanquam mecum loquor. Ad Att. 8. 14.

‡ Sacerdotium denique, cum, quemadmodum te existimare arbitror, non difficillime consequi possem, non appetivi.—Idem post injuriam acceptam—studui quam ornatissima senatus populique Romani de me judicia intercedere. Itaque et Augur postea fieri volui, quod antea neglexeram. Ep. fam. 15. 4.

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Rome, yet he never stirred from his retreat, to solicit or offer himself for it, which he must necessarily have done, if he had any real desire to obtain it.

Cicero's fortunes seemed now to be in a tottering condition: his enemies were gaining ground upon him, and any addition of help from the new magistrates might turn the scale to his ruin. Catulus used to tell him, that he had no cause to fear any thing; for that one good consul was sufficient to protect him; and Rome had never known two bad ones in office together, except in Cinna's tyranny.* But that day was now come; and Rome saw, in this year, what it had never seen before, in peaceful times, since its foundation—two profligate men advanced to that high dignity.

These were L. Calpurnius Piso and A. Gabinius; the one, the father-in-law of Cæsar; the other, the creature of Pompey. Before their entrance into office, Cicero had conceived great hopes of them, and not without reason; for, by the marriage of his daughter, he was allied to Piso; who continued to give him all the marks of his confidence, and had employed him in his late election, to preside over the votes of the leading century: and, when he entered into his office, on the first of January, asked his opinion the third in the senate, or the next after Pompey and Crassus:† and he might flatter himself also, probably, that, on account of the influence which they were under, they would not be very forward to declare themselves against him.‡ But he

* Audieram ex sapientissimo homine—Q. Catulo, non sæpe unum consulem improbum, duos vero nunquam post Romam conditam, excepto illo Cinnano tempore, fuisse. Quare meam causam semper fore firmissimam dicere solebat, dum vel usus in Repub. Consul esset. Post red. in Sen. 4.

† Consules se optime ostendunt. Ad Quint. Fr. 1. 2.

Tu misericors me affinem tuum, quem tuis comitiis prærogativæ primum custodem præfeceras; quem kalendis Januariis tertio loco sententiam rogaras, constrictum inimicis Reipub. tradidisti. Post red. in Sen. 7. In Pis. 5. 6.

‡ The author of the Exile of Cicero, to aggravate the perfidy of Gabinius, tells us, that Cicero had defended him in a capital cause, and produces a fragment of the oration: but he mistakes the time of the fact; for that defence was not made till several years after this consulship; as we shall see hereafter, in its proper place. Hist. de l'Exil de Cic. p. 115.

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presently found himself deceived: for Clodius had already secured them to his measures, by a private contract, to procure for them, by a grant of the people, two of the best governments of the empire; for Piso, Macedonia, with Greece and Thessaly; for Gabinius, Cilicia: and when this last was not thought good enough, and Gabinius seemed to be displeased with his bargain, it was exchanged, soon after, for Syria, with a power of making war upon the Parthians.* For this price they agreed to serve him in all his designs, and particularly in the oppression of Cicero; who, on that account, often calls them, not consuls, but brokers of provinces, and sellers of their country.†

They were, both of them, equally corrupt in their morals, yet very different in their tempers. Piso had been accused, the year before, by P. Clodius, of plundering and oppressing the allies: when by throwing himself at the feet of his judges, in the most abject manner, and in the midst of a violent rain, he is said to have moved the compassion of the bench, who thought it punishment enough, for a man of his birth, to be reduced to the necessity of prostrating himself so miserably, and rising so deformed, and besmeared with dirt.‡ But, in truth, it was Cæsar's authority that saved him, and reconciled him, at the same time, to Clodius. In his outward carriage, he affected the mien and garb of a philosopher; and his aspect greatly contributed to give him the credit of that character: he was severe in his looks; squalid in his dress; slow in his speech; morose in his manners; the very picture of anti-

* Fœdus fecerunt cum tribuno pleb. palam, ut ab eo provincias acciperent, quas vellent—id autem fœdus meo sanguine ictum sanciri posse dicebant. Pro Sext. 10. Cui quidem cum Ciliciam dedisses, mutasti pactionem et—Gabinio, pretio amplificato, Syriam nominatim dedisti. Pro Dom. 9.

† Non consules, sed Mercatores provinciarum, ac venditores vestræ dignitatis. Post red. in Sen. 4.

‡ L. Piso, a P. Clodio, accusatus, quod graves et intolerabiles injurias sociis intulisset, haud dubiæ ruinæ metum fortuito auxilio vitavit—quia jam satis graves eum pœnas sociis dedisse arbitrati sunt huc deductum necessitatis, ut abjicere se tam supplicitèr, aut attollere tam deformiter cogeretur. Val. Max. 8. 1.

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quity, and a pattern of the ancient Republic; ambitious to be thought a patriot, and a reviver of the old discipline. But this garb of rigid virtue, covered a most lewd and vicious mind: he was surrounded, always, with Greeks, to imprint a notion of his learning: but while others entertained them for the improvement of their knowledge, he, for the gratification of his lusts; as his cooks, his pimps, or his drunken companions. In short, he was a dirty, sottish, stupid Epicurean; wallowing in all the low and filthy pleasures of life; till a false opinion of his wisdom, the splendour of his great family, and the smoky images of ancestors, whom he resembled in nothing but his complexion, recommended him to the consulship; which exposed the genuine temper and talents of the man.*

His colleague, Gabinius, was no hypocrite, but a professed rake from the beginning; gay, foppish, luxurious; always curled and perfumed; and living in a perpetual debauch of gaming, wine, and women; void of every principle of virtue, honour, and probity; and so desperate in his fortunes, through the extravagance of his pleasures, that he had no other resource, or hopes of subsistence, but from the plunder of the Republic. In his tribunate, to pay his court to Pompey, he exposed to the mob the plan of Lucullus's house, to shew what an expensive fabric one of the greatest subjects of Rome was building, as he would intimate, out of the spoils of

* Quam teter incedebat? quam truculentus? quam terribilis aspectu? Aliquem te ex barbatis illis, exemplum veteris imperii, imaginem antiquitatis, columen Reipub. diceres intueri. Vestitus aspere, nostra hac purpura plebeia, et pene fusca. Capillo ita horrido, ut—tanta erat gravitas in oculo, tanta contractio frontis, ut illo supercilio Respub. tanquam Atlante cœlum, niti videretur. [Pro Sext. 8.] Quia tristem semper, quia taciturnum, quia subhorridum atque incultum videbant, et quod erat eo nomine, ut ingenerata familiæ frugalitas videretur; favebant—etenim animus ejus vultu, flagitia parietibus tegebantur—laudabat homo doctus Philosophos nescio quos —9. Jacebat in suo Græcorum fœtore et vino—Græci stipati, quini in lectulis, sæpe plures. In Pis. 10. 27.

His utitur quasi præfectis libidinum suarum: hi voluptates omnes vestigant atque odorantur: hi sunt conditores instructoresque convivii, &c. Post red. in Sen. 6.

Obrepisti ad honores errore hominum, commendatione fumosarum imaginum, quarum simile nihil habes præter colorem. In Pis. 1.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

the treasury; yet, this vain man, oppressed with debts, and scarce able to shew his head, found means, from the perquisites of his consulship, to build a much more magnificent palace than Lucullus himself had done.* No wonder, then, that two such consuls, ready to sacrifice the empire itself to their lusts and pleasures, should barter away the safety and fortunes of a private senator, whose virtue was a standing reproof to them, and whose very presence gave some check to the free indulgence of their vices.

Clodius, having gained the consuls, made his next attempt upon the people, by obliging them with several new laws, contrived chiefly for their advantage, which he now promulgated. First, that corn should be distributed, gratis, to the citizens. Secondly, that no magistrates should take the auspices, or observe the heavens, when the people were actually assembled on public business. Thirdly, that the old companies, or fraternities of the city, which the senate had abolished, should be revived, and new ones instituted. Fourthly, to please those also of higher rank, that the censors should not expel from the senate, or inflict any mark of infamy on any man, who was not first openly accused, and convicted of some crime, by their joint sentence.† These laws, though generally agreeable, were highly unseasonable; tending to relax the public discipline, at a time when it wanted most to be reinforced: Cicero took them all to be levelled at himself, and contrived to pave the way to his ruin; so that he provided his friend, L. Ninius, one of the tribunes, to put his negative upon them; especially on the law of fraternities; which, under colour of incorporating those

* Alter unguentis affluens, calamistrata coma, despiciens conscios stuprorum—fefellit neminem—hominem emersum subito ex diuturnis tenebris lustrorum ac stuprorum—vino, ganeis, lenociniis, adulteriisque confectum. Pro Sext. 9.

Cur ille gurges, heluatus tecum simul Reipub. sanguinem, ad cœlum tamen extruxit villam in Tusculano visceribus ærarii. Pro Dom. 47.

† Vid. Orat. in Pis. 4. et notas Asconii. Dio, l. 38. p. 67.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

societies, gave Clodius an opportunity of gathering an army, and enlisting into his service all the scum and dregs of the city.* Dion Cassius says, that Clodius, fearing, lest this opposition should retard the effect of his other projects, persuaded Cicero, in an amicable conference, to withdraw his tribune, and give no interruption to his laws, upon a promise and condition, that he would not make any attempt against him:† but we find, from Cicero's account, that it was the advice of his friends which induced him to be quiet against his own judgment; because the laws themselves were popular, and did not personally affect him; though he blamed himself, soon afterwards, for his indolence, and expostulated with Atticus, for advising him to it; when he felt, to his cost, the advantage which Clodius had gained by it.‡

For the true design of all these laws was, to introduce only, with better grace, the grand plot of the play—the banishment of Cicero: which was now directly attempted, by a special law, importing, that whoever had taken the life of a citizen, uncondemned, and without a trial, should be prohibited from fire and water.§ Though Cicero was not named, yet he was marked out by the law: his crime was, the putting Catiline's accomplices to death; which, though not done by his single authority, but by a general vote of the senate, and after a solemn hearing and debate, was alleged to be illegal, and contrary to the liberties of the people. Cicero, finding himself thus reduced to the condition of a criminal, changed his habit upon it, as it was usual in the case of a public impeachment; and appeared about the streets in a sordid or mourning gown, to excite the compassion of his citizens: whilst Clodius, at the head of his

* Collegia, non ea solum, quæ Senatus sustulerat, restituta, sed innumerabilia quædam nova ex omni fæce urbis ac servitio concitata. In Pis. 4.

† Dio, l. 38. p. 67.

‡ Nunquam esses passus mihi persuaderi, utile nobis esse legem de Collegiis perferri. Ad Att. 3. 15.

§ Qui civem Romanum indemnatum perimisset, ei aqua et igni interdiceretur. Vell. Pat. 2. 45.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

mob, contrived to meet and insult him at every turn; reproaching him for his cowardice and dejection, and throwing dirt and stones at him.* But Cicero soon gathered friends enough about him, to secure him from such insults; the whole body of the knights, and the young nobility, to the number of twenty thousand,† with young Crassus at their head, who all changed their habit, and perpetually attended him about the city, to implore the protection and assistance of the people.

The city was now in great agitation, and every part of it engaged on one side or the other. The senate met in the Temple of Concord; while Cicero's friends assembled in the Capitol; whence all the knights and the young nobles went in their habit of mourning, to throw themselves at the feet of the consuls, and beg their interposition in Cicero's favour. Piso kept his house that day, on purpose to avoid them; but Gabinius received them with intolerable rudeness, though their petition was seconded by the entreaties and tears of the whole senate: he treated Cicero's character and consulship with the utmost derision, and repulsed the whole company, with threats and insults, for their fruitless pains to support a sinking cause. This raised great indignation in the assembly; where the tribune, Ninnius, instead of being discouraged by the violence of the consul, made a motion, that the senate also should change their habit, with the rest of the city; which was agreed to, instantly, by an unanimous vote. Gabinius, enraged at this, flew out of the senate into the Forum; where he declared to the people, from the rostra, that men were mistaken to imagine, that the senate had any power in the Republic; that the knights should pay dear for that day's work; when, in Cicero's consulship, they kept guard in the Ca-

* Plut. Cic.

† Pro me præsente senatus, hominumque viginti millia vestem mutaverunt. Post red. ad Quir. 3.

A. Urb. 695. Cic. 48. Coss.—L. Calpurnius Piso. A. Gabinius.

pitol, with their drawn swords: and, that the hour was now come, when those, who lived at that time in fear, should revenge themselves on their enemies: and, to confirm the truth of what he said, he banished L. Lamia, a Roman knight, two hundred miles from the city, for his distinguished zeal and activity in Cicero's service;* an act of power, which no consul before him had ever presumed to exert on any citizen; which was followed, presently, by an edict from both the consuls, forbidding the senate to put their late vote in execution, and enjoining them to resume their ordinary dress.† "And where is there," says Cicero, "in all history, a more illustrious testi-"mony, to the honour of any man, than that all the "honest, but private inclination, and the senate, by "a public decree, should change their habit for the "sake of a single citizen."‡

But the resolution of changing his gown was too hasty and inconsiderate, and helped to precipitate his ruin. He was not named in the law, nor personally affected by it: the terms of it were general, and seemingly just, reaching only to those, who had taken the life of a citizen illegally. Whether this was his case, or not, was not yet the point in issue, but to be the subject of another trial; so that, by making himself a criminal, before his time, he short-

* Hic subito cum incredibilis in Capitolium multitudo ex tota urbe, cunctaque Italia convenisset, vestem mutandam omnes, neque etiam omni ratione, privato consilio, quoniam publicis ducibus Respub. careret, defendendum putarunt. Erat eodem tempore senatus in æde Concordiæ,—cum flens universus ordo cincinnatum Consulem orabat, nam alter ille horridus et severus domi se consulto tenebat. Qua tum superbia cœnum illud ac labes amplissimi ordinis preces et clarissimorum civium lacrymas repudiavit? Me ipsum ut contemsit helluo patriæ?—Vestris precibus a latrone isto repudiatis, vir incredibili fide—L. Ninnius ad senatum de Repub. retulit. Senatusque frequens vestem pro mea salute mutandam censuit—Exanimatus evolat e senatu—advocat concionem—errare homines, si etiam tum senatum aliquid in Rep. posse arbitrarentur.—Venisse tempus iis, qui in timore fuissent, ulciscendi se.—L. Lamiam—in concione relegavit, edixitque ut ab urbe abesset millia passuum ducenta —[Pro Sext. 11, 12, 13. it. post red. in Sen. 5.] Quod ante id tempus civi Romano contigit nemini.* Epist. fam. 11. 16.

† Cum subito edicunt duo consules, ut ad suum vestitum senatores redirent. Ep. fam. 11. 14.

‡ Quid enim quisquam potest ex omni memoriâ sumere illustrius, quam pro uno cive et bonos omnes privato consensu, et universum senatum publico consilio mutasse vestem? Ib. 12.

ened the trouble of his enemies, discouraged his friends, and made his case more desperate than he needed to have done: whereas, if he had taken the part of commending or slighting the law, as being wholly unconcerned in it; and, when he came to be actually attacked by a second law, and brought to a trial upon it, had stood resolutely upon his defence, he might have baffled the malice of his prosecutors. He was sensible of his error, when it was too late; and oft reproaches Atticus, that, being a stander-by, and less heated in the game than himself, he would suffer him to make such blunders.*

As the other consul, Piso, had not yet, explicitly declared himself, as Cicero, accompanied by his son-in-law, who was his near kinsman, took occasion to make him a visit, in hopes to move him to espouse his cause, and support the authority of the senate. They went to him about eleven in the morning, and found him, as Cicero afterwards told the senate, coming out from a little dirty hovel, fresh from the last night's debauch, with his slippers on, his head muffled, and breath so strong of wine, that they could hardly bear the scent of it: he excused his dress, and smell of wine, on the account of his ill health; for which he was obliged, he said, to take some vinous medicines; but he kept them standing all the while, in that filthy place, till they had finished their business. As soon as Cicero entered into the affair, he frankly told them, that Gabinius was so miserably poor, as not to be able to shew his head; and must be utterly ruined, if he could not procure some rich province; that he had hopes of one from Clodius, but despaired of any thing from the senate; that, for his own part, it was his business to humour him, on this occasion, as Cicero had humoured his

* Nam prior lex nos nihil lædebat: quam si, ut est promulgata laudare voluissemus, aut, ut erat negligenda, negligere, nocere omnino nobis non potuisset. Hic mihi primum meum consilium defuit; sed etiam obfuit. Cæci, cæci, inquam, fuimus in vestitu mutando, in populo rogando. Quod, nisi, nominatim mecum agi cœptum esset, perniciosum fuit.—Me, meos meis tradidi inimicis, inspectante et tacente te; qui, si non plus ingenio valebas quam ego, certe timebas minus. Ad Att. 3. 15.

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colleagues in his consulship; and that there was no reason to implore the help of the consuls, since it was every man's duty to look to himself:* which was all that they could get from him.

Clodius, all the while, was not idle, but pushed on his law with great vigour; and, calling the people into the Flaminian circus, summoned thither also the young nobles and the knights, who were so busy in Cicero's cause, to give an account of their conduct to that assembly: but, as soon as they appeared, he ordered his slaves and mercenaries to fall upon them with drawn swords, and vollies of stones, in so rude a manner, that Hortensius was almost killed, and Vibienus, another senator, so desperately hurt, that he died, soon after, of his wounds.† Here he produced the two consuls, to deliver their sentiments to the people, on the merit of Cicero's consulship; when Gabinius declared, with great gravity, that he utterly condemned the putting citizens to death without a trial: Piso only said, that he had always been on the merciful side, and had a great aversion to cruelty.‡ The reason of holding this assembly in the Flaminian circus, without the gates of Rome, was to give Cæsar an opportunity of assisting at it, who, being now invested with a military command, could not appear within the walls. Cæsar, therefore, being called upon, after the consuls, to deliver his mind, on the same question, declared,

* Egere—Gabinium; sine provincia stare non posse: spem habere a tribuno plebis—a senatu quidem desperasse: hujus te cupiditati obsequi, sicut ego fecissem in collega meo: nihil esse quod præsidium consulum implorarem; sibi quemque consulere oportere, &c. In Pis. 6.

† Qui adesse nobilissimos adolescentes, honestissimos equites Romanos deprecatores meæ salutis jusserit; eosque operarum suarum gladiis et lapidibus objecerit. Pro Sext. 12.

Vidi hunc ipsum Hortensium, lumen et ornamentum Reipub. pene interfici servorum manu—qua in turba C. Vibienus, senator, vir optimus, cum hoc cum esset una, ita est mulctatus, ut vitam amiserit. Pro Mil. 14.

‡ Pressa voce et temulenta, quod in cives indemnatos esset animadversum, id sibi dixit gravis auctor vehementissime displicere. Post red. in Sen. 6.

Cum esses interrogatus quid sentires de consulatu meo, respondes, crudelitatem tibi non placere. In Pis. 6. Te semper misericordem fuisse. Post red. in Sen. 7.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

that the proceedings against Lentulus, and the rest, were irregular and illegal: but that he could not approve the design of punishing any body for them: that all the world knew his sense of the matter, and that he had given his vote against taking away their lives; yet he did not think it right to propound a law, at this time, about things that were so long past.* This answer was artful, and agreeable to the part which he was then acting; for while it confirmed the foundation of Clodius's law, it carried a shew of moderation towards Cicero; or, as an ingenious writer expresses it, "left appearances only to the one, but "did real service to the other."†

In this same assembly, Clodius got a new law likewise enacted, that made a great alteration in the constitution of the Republic; viz. the repeal of the Ælian and Fusian laws; by which the people were left at liberty to transact all public business, even on the days called Fasti, without being liable to be obstructed by the magistrates, on any pretence whatsoever.‡ The two laws, now repealed, had been in force about a hundred years;§ and made it unlawful to act any thing with the people, while the augurs or consuls were observing the heavens, and taking the auspices. This wise constitution was the main support of the aristocratical interest, and a perpetual curb to the petulance of factious tribunes, whose chief opportunity of doing mischief lay in their power of obtruding dangerous laws upon the city, by their credit with the populace. Cicero, therefore, frequently laments the loss of these two laws, as fatal

* Dio. l. 38. p. 69. † Exil. de Cic. p. 133.

‡ Iisdem consulibus sedentibus atque inspectantibus lata lex est, ne auspicia valerent, ne quis obnunciaret, ne quis legi intercederet; ut omnibus fastis diebus legem ferre liceret: ut lex Ælia, lex Fusia ne valeret. Qua una rogatione quis non intelligat, universam Rempublicam esse deletam! [Pro Sext. 15.] Sustulit duas leges, Æliam et Fusiam, maxime Reipub. salutares. De Harusp. resp. 27.

The Dies Fasti were the days on which the courts of law were open, and the prætors sat to hear causes, which were marked for that purpose in the calendars: but, before this Clodian law, it was not allowed to transact any business upon them with the people.

§ Centum prope annos legem Æliam et Fusiam tenueramus. In Pis. 5.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

to the Republic; he calls them, the most sacred and salutary laws of the state: the fences of their civil peace and quiet; the very walls and bulwarks of the Republic, which had held out against the fierceness of the Gracchi; the audaciousness of Saturninus; the mobs of Drusus; the bloodshed of Cinna; the arms of Sylla;* to be abolished, at last, by the violence of this worthless tribune.

Pompey, who had hitherto been giving Cicero the strongest assurances of his friendship, and been frequent and open in his visits to him, began now, as the plot ripened towards a crisis, to grow cool and reserved; while the Clodian faction, fearing, lest he might be induced, at last, to protect him, were employing all their arts to infuse jealousies and suspicions into him, of a design against him, from Cicero. They posted some of their confidents at Cicero's house, to watch his coming thither, and to admonish him, by whispers and billets put into his hands, to be cautious of venturing himself there, and to take better care of his life; which was inculcated to him, likewise, so strongly at home, by perpetual letters and messages, from pretended friends, that he thought fit to withdraw himself from the city, to his house on the Alban hill.† It cannot be imagined, that he could entertain any real apprehension of Cicero; both Cicero's character, and his own, make that incredible: but if he had conceived any, it was not, as Cicero says, against him, but against the common enemies of them both, lest they might possibly attempt somewhat in Cicero's name; and, by the

* Deinde sanctissimas leges, Æliam et Fusiam, quæ in Gracchorum ferocitate, et in audacia Saturnini, et in colluvione Drusi, et in cruore Cinnano, etiam inter Syllana arma vixerunt, solus conculcaris ac pro nihilo putaris. In Vatin. 9. Propugnacula murique tranquillitatis et otii. In Pis. 4.

† Cum iidem illum, ut me metueret, me caveret, monuerunt; iidem me, mihi illum uni esse inimicissimum, dicerent.—Pr. Dom. XI.

Quem—domi meæ certi homines ad eam rem compositi monuerunt, ut esset cautior: ejusque vitæ a me insidias apud me domi positas esse dixerunt: atque hanc ei suspicionem alii litteris mittendis, alii nunciis, alii coram ipsi excitaverunt, ut ille, cum a me certe nihil timeret, ab illis, ne quid meo nomine molirentur, cavendum putaret. Pro Sext. 18.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

opportunity of charging it upon Cicero, hope to get rid of them both at the same time. But the most probable conjecture is, that, being obliged, by his engagements with Cæsar to desert Cicero, and suffer him to be driven out of the city, he was willing to humour these insinuations, as giving the most plausible pretext of excusing his perfidy.

But Cicero had still with him, not only all the best, but much the greatest part of the city, determined to run all hazards, and expose their lives for his safety;* and was more than a match for all the strength of Clodius and the consuls, if the triumvirate only would stand neuter. Before things came, therefore, to extremity, he thought it advisable to press Pompey, in such a manner, as to know, for certain, what he had to expect from him: some of his chief friends undertook this task; Lucullus, Torquatus, Lentulus, &c. who, with a numerous attendance of citizens, went to find him at his Alban villa, and to intercede with him, not to desert the fortunes of his old friend. He received them civilly, though coldly; referring them wholly to the consuls, and declaring, that he, being only a private man, could not pretend to take the field against an armed tribune, without a public authority; but if the consuls, by a decree of the senate, would enter into the affair, he would presently arm himself in their defence.† With this answer they addressed themselves again to the consuls, but with no better success than before: Gabinius treated them rudely; but Piso calmly told them, that he was not so stout a consul as Torquatus and Cicero had been; that there was no need of arms, or fighting; that Cicero

* Si ego in causa tam bona, tanto studio senatus, consensu tam incredibili bonorum omnium, tam parato, tota denique Italia ad omnem contentionem expedita. Ib. 16.

† Nonne ad te L. Lentulus, L. Torquatus, M. Lucullus venit? Qui omnes ad eum multique mortales oratum in Albanum obsecratumque venerant, ne meas fortunas desereret, cum Reipub. fortunis conjunctas.—Se contra armatum tribunum pleb. sine consilio publico decertare nolle: Consulibus ex senatus consulto Rempub. defendentibus, se arma sumpturum. In Pis. 31.

might save the Republic a second time, if he pleased, by withdrawing himself; for, if he staid, it would cost an infinite quantity of civil blood; and, in short, that neither he, nor his colleague, nor his son-in-law, Cæsar, would relinquish the party of the tribune.*

After this repulse, Cicero resolved to make his last effort on Pompey, by throwing himself, in person, at his feet. Plutarch tells us, that Pompey slipt out at the back door, and would not see him: but it is certain, from Cicero's account, that he was admitted to an audience; and when he began to press, and even supplicate him, in a manner the most affecting, that Pompey flatly refused to help him: alleging, in excuse of himself, the necessity, which he was under, of acting nothing against the will of Cæsar.† This experiment convinced Cicero, that he had a much greater power to contend with, than what had yet appeared in sight: he called, therefore, a council of his friends, with intent to take his final resolution, agreeably to their advice. The question was, Whether it was best to stay, and defend himself by force; or to save the effusion of blood, by retreating, till the storm should blow over? Lucullus advised the first; but Cato, and, above all, Hortensius, warmly urged the last; which, concurring also with Atticus's advice, as well as the fears and entreaties of all his own family, made him resolve to quit the field to his enemies, and submit to a voluntary exile.‡

A little before his retreat, he took a small statue of Minerva, which had long been reverenced in his family, as a kind of tutelar deity, and carrying it to the Capitol, placed it in the temple of Jupiter, under

* Quid, infelix, responderis?—Te non esse tam fortem, quam ipse Torquatus in consulatu fuisset, aut ego: nihil opus esse armis, nihil contentione: me posse iterum Rempub. servare, si cessissem; infinitam cædem fore, si restitissem. Deinde ad extremum, ne que se, neque generum, neque collegam suum tribuno pleb. defuturum. Ib.

† Is, qui nos sibi quondam ad pedes stratos ne sublevabat quidem, qui se nihil contra hujus voluntatem facere posse aiebat. Ad Att. 10. 4.

‡ Lacrymæ meorum me ad mortem ire prohibuerunt. Ib. 4. Plut. in Cic.

the title of Minerva, the guardian of the city.* His view might possibly be to signify, that, after he had done all which human prudence could contrive, for the defence of the Republic, he was now forced to give it up to the protection of the gods; since nothing less than the interposition of some deity could preserve it from ruin; or rather, as he himself seems to intimate, in the uncertain issue of his flight, and the plunder of his goods, which was likely to ensue, he had a mind to preserve this sacred image, in the most conspicuous part of the city, as a monument of his services, which would naturally excite an affectionate remembrance of him in the people, by letting them see, that his heart was still there, where he had deposited his gods. After this act, he withdrew himself in the night, escorted by a numerous guard of friends, who, after a day's journey or two, left him, with great expressions of tenderness, to pursue his way towards Sicily; which he proposed for the place of his residence, and where, for his eminent services to the island, he assured himself of a kind reception and safe retreat.

SECTION V.

The wretched alternative to which Cicero was reduced, of losing either his country or his life, is sufficient to confute all the cavils of those, who, from a hint or two in his writings, obscurely thrown out, and not well understood, are so forward to charge him with the levity of temporizing, or selling himself for any bribe, which could feed his vanity: for nothing is more evident, than that he might not only

* Nos, qui illam custodem urbis, omnibus ereptis nostris rebus ac perditis, violari ab impiis passi non sumus, eamque ex nostra domo in ipsius patris domum detulimus. De Leg. 2. 17.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

have avoided this storm, but obtained whatever honours he pleased, by entering into the measures of the triumvirate, and lending his authority to the support of their power; and that the only thing, which provoked Cæsar to bring this calamity upon him, was, to see all his offers slighted, and his friendship utterly rejected by him.* This he expressly declares to the senate, who were conscious of the truth of it; that Cæsar had tried all means to induce him to take part in the acts of his consulship: had offered him commissions and lieutenancies, of what kind and with what privileges he should desire; to make him even a fourth in the alliance of the three, and to hold him in the same rank of friendship with Pompey himself. "All which I refused," says he, "not out of slight to Cæsar, but constancy to my "principles; and because I thought the acceptance "of them unbecoming the character which I sus-"tained; how wisely, I will not dispute; but am "sure, that it was firmly and bravely; when, instead "of baffling the malice of my enemies, as I could "easily have done, by that help, I chose to suffer "any violence, rather than to desert your interest, "and descend from my own rank."†

Cæsar continued at Rome, till he saw Cicero driven out of it: but had no sooner laid down his consulship, than he began to be attacked and affronted himself, by two of the new prætors, L. Domitius and C. Memmius; who called in question the validity of his acts, and made several efforts, in the senate, to get them annulled by public authority. But the senate had no stomach to meddle with an affair so delicate; so that the whole ended in some fruitless debates and altercations; and Cæsar, to

* Hoc sibi contraxisse videbatur Cicero, quod inter xx. viros dividendo agro Campano esse noluisset. Vell. Pat. 2. 45. Ad Att. 9. 2.

† Consul egit eas res, quarum me participem esse voluit.—Me ille ut Quinquevi-ratum acciperem rogavit; me in tribus sibi conjunctissimis Consularibus esse voluit; mihi legationem, quam vellem, quanto cum honore vellem detulit. Quæ ego non ingrato animo, sed obstinatione quadam sententiæ repudiavi, &c. De Prov. Cons. 17.

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prevent all attempts of that kind, in his absence, took care always, by force of bribes, to secure the leading magistrates to his interests; and so went off to his province of Gaul.* But as this unexpected opposition gave some little ruffle to the triumvirate, so it served them, as an additional excuse for their behaviour towards Cicero; alleging, that their own dangers were nearer to them than other people's, and that they were obliged, for their own security, not to irritate so popular a tribune as Clodius.†

As soon as it was known that Cicero was gone, Clodius filled the Forum with his band of slaves and incendiaries, and published a second law, to the Roman people, as he called them, though there was not one honest citizen, or man of credit among them.‡ The law, as we may gather from the scattered passages of it, was conceived in the following terms:

Whereas, M. T. Cicero has put Roman citizens to death, unheard and uncondemned; and for that end forged the authority and decree of the senate: may it please you to ordain, that he be interdicted from fire and water: that nobody presume to harbour or receive him, on pain of death; and that whoever shall move, speak, vote, or take any step towards recalling him, he shall be treated as a public enemy; unless those should first be recalled to life, whom Cicero unlawfully put to death.§

The law was drawn by Sext. Clodius, the kinsman and prime-minister of the tribune; though Vatinius also laid some claim to it, and was the only

* Functus Consulatu, C. Memmio, L. Domitio Prætoribus, de superioris anni actis referentibus, cognitionem Senatui dedit: nec illo suscipiente, triduoque per irritas altercationes absumpto, in provinciam abiit—ad securitatem igitur posteri temporis in magno negotio habuit obligare semper annuos magistratus, et e petitoribus non alios adjuvare, aut ad honorem pati pervenire, quam qui sibi recepissent propugnaturos absentiam suam.—Sueton. J. Cæs. 23.

† Illi autem aliquo tum timore perterriti, quod acta illa, atque omnes res anni superioris labefactari a Prætoribus, infirmari a Senatu, atque principibus civitatis putabant, Tribunum popularem a se alienare nolebant, suaque sibi propiora pericula esse, quam mea, loquebantur. Pro Sext. 18.

‡ Non denique suffragii latorem in ista tua proscriptione quenquam, nisi furem ac sicarium reperire potuisti. Pro Dom. 18.

§ Vid. Pro Dom. 18, 19, 20. Post red. in Sen. 2. x.

one, of senatorian rank, who openly approved it.* It was essentially null and invalid, both for the matter and the form: for, in the first place, it was not properly a law, but what they called a privilege, or an act, to inflict penalties on a particular citizen by name, without any previous trial; which was expressly prohibited by the most sacred and fundamental constitutions of the Republic.† Secondly, the terms of it were so absurd, that they annulled themselves; for it enacted, not that Cicero may or should be, but that he be interdicted; which was impossible; since no power on earth, says Cicero, can make a thing to be done, before it be done.‡ Thirdly, the penal clause being grounded on a suggestion notoriously false, that Cicero had forged the decrees of the senate, it could not possibly stand, for want of a foundation.§ Lastly, though it provided that nobody should harbour him, yet it had not ordered him to be expelled, or enjoined him to quit the city.‖ It was the custom, in all laws made by the tribes, to insert the name of the tribe which was first called to vote, and of the man who first voted in it for the law; that he might be transmitted down with the law itself, as the principal espouser and promoter of it.¶ This honour was given to one

* Hanc tibi legem S. Clodius scripsit—homini egentissimo ac facinorosissimo S. Clodio, socio tui sanguinis,—Hoc tu scriptore, hoc consiliario, hoc ministro—Rempub. perdidisti. Pro Dom. 2. x. 13. Ille unus ordinis nostri discessu meo—palam exsultavit.—Pro Sext. 64.

† Vetant leges sacratæ, vetant XII. tabulæ, leges privatis hominibus irrogari. Id est enim Privilegium. Pro Dom. 17.

‡ Non tulit ut interdicatur sed ut interdictum sit.—Sexte noster, bona venia, quoniam jam dialecticus es—quod factum non est, ut sit factum, ferri ad populum, aut verbis ullis sanciri, aut suffragiis confirmari potest? ib. 18. Quid si iis verbis scripta est ista proscriptio, ut se ipsa dissolvat? ib. 19.

N. B. The distinction here intimated between interdicatur, and interdictum sit, deserves the attention of all grammarians. They are commonly used indifferently, as terms wholly equivalent; yet, according to Cicero's criticism, the one, we see, makes the sense absurd, where the other is just and proper.

§ Est enim, quod M. Tullius falsum Senatus consultum retulerit, si igitur retulit falsum Senatus consultum, tum est rogatio: si non retulit, nulla est. Pro Dom. 19.

‖ Tulisti de me ne reciperer, non ut exirem—pœna est, qui receperit; quam omnes neglexerunt; ejectio nulla est. Ib. 20.

¶ Tribus Sergia principium fuit: pro Tribu, Sextus L. F. Varro primus scivit. This was the form, as appears from fragments of the old laws. Vid. Frontin. de Aquæd.—Fragment. Legis Thoriæ, apud rei agrar. Scriptores. Liv. 9. 38.

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Sedulius, a mean, obscure fellow, without any settled habitation, who yet, afterwards, declared, that he was not in Rome at the time, and knew nothing at all of the matter: which gave Cicero occasion to observe, when he was reproaching Clodius with this act, that Sedulius might easily be the first voter, who, for the want of a lodging, used to lie all night in the Forum; but it was strange, that when he was driven to the necessity of forging a leader, he should not be able to find a more reputable one.*

With this law against Cicero, there was another published, at the same time, which, according to the stipulation already mentioned, was to be the pay and price for it; to grant to the two consuls the provinces above specified, with a provision of whatever troops and money they thought fit.† Both the laws passed without opposition; and Clodius lost no time in putting the first of them in execution; but fell to work, immediately, in plundering, burning, and demolishing Cicero's houses, both in the city and the country. The best part of his goods were divided between the two consuls; the marble columns of his palatine house were carried publicly to Piso's father-in-law; and the rich furniture of his Tusculan villa, to his neighbour Gabinius; who removed even the trees of his plantations into his own grounds;‡ and, to make the loss of his house in Rome irretrievable, Clodius consecrated the area, on which it stood, to

* Sedulio principe, qui se illo die confirmat Romæ non fuisse. Quod si non fuit, quid te audacius, qui in ejus nomen inciderís? Quid desperatius, qui ne ementiendo quidem potueris auctorem adumbrare meliorem? Sin autem is primus scivit, quod facile potuit, propter inopiam tecti in foro pernoctans. Pro Dom. 30. Quam Sedulius se negat scivisse. Ib. 31.

† Ut provincias acciperent, quas ipsi vellent: exercitum et pecuniam quantam vellent. Pro Sext. x. in Pison. 16. Illo ipso die—mihi Reique pub. pernicies, Gabinio et Pisoni provincia rogata est. Pro Sext. 24.

‡ Uno eodemque tempore domus mea diripiebatur, ardebat: bona ad vicinum consulem de Palatio; de Tusculano ad item alterum vicinum consulem deferebantur. Post red. in Sen. 7.

Cum domus in Palatio, villa in Tusculano, altera ad alterum consulem transferebatur, columnæ marmoreæ ex ædibus meis, inspectante populo Romano, ad socerum consulis portabantur; in fundum autem vicini consulis non instrumentum, aut ornamenta villæ, sed etiam arbores transferebantur. Pro Dom. 24.

the perpetual service of religion, and built a temple upon it to the goddess Liberty.*

While Cicero's house was in flames, the two consuls, with all their seditious crew around them, were publicly feasting and congratulating each other for their victory, and for having revenged the death of their old friends on the head of Cicero: where, in the gaiety of their hearts, Gabinius openly bragged, that he had always been the favourite of Catiline; and Piso, that he was cousin to Cethegus.† Clodius, in the meanwhile, not content with exerting his vengeance only on Cicero's houses, pursued his wife and children with the same fury; and made several attempts to get young Cicero, the son, into his hands, then about six years old, with an intent to kill him:‡ but the child was carefully guarded by the friends of the family, and removed from the reach of his malice. Terentia had taken sanctuary in the temple of Vesta, but was dragged out of it forcibly, by his orders, to the public office, or tribunal, where he was sitting, to be examined, about the concealment of her husband's effects: but, being a woman of a singular spirit and resolution, she bore all his insults with a masculine courage.§

But while Clodius seemed to aim at nothing, in this affair, but the gratification of his revenge, he was carrying on a private interest, at the same time, which he had much at heart. The house, in which he himself lived, was contiguous to a part of Cicero's ground; which, being now laid open, made that side of the Palatine hill the most airy and desirable

* Cum suis dicat se manibus domum civis optimi evertisse, et eam iisdem manibus consecrasse. Ib. 40.

† Domus ardebat in Palatio—Consules epulabantur, et in conjuratorum gratulatione versabantur; cum alter se Catilinæ delicias, alter Cethegi consobrinum fuisse diceret. Pro Dom. 24. in Pison. XI. Pro Sext. 24.

‡ Vexabatur uxor mea: liberi ad necem quærebantur. Pro Sext. 24.
Quid vos uxor mea misera violarat? Quam vexavistis raptavistis—quid mea filia?—Quid parvus filius?—Quid fecerat, quod eum toties per insidias interficere voluistis?—Pro Dom. 23.

§ A te quidem omnia fieri fortissime, atque amantissime video: nec miror; nam ad me P. Valerius—scripsit id quod ego maximo cum fletu legi, quemadmodum a Vestæ ad tabulam Valeriam ducta esses. Ep. Fam. 14. 2.

situation in Rome: his intention, therefore, was, by the purchase of another house, which stood next to him, to make the whole area his own, with the benefit of the fine portico and temple annexed: so that he had no sooner demolished Cicero's house, than he began to treat with the owner of the next Q. Seius Postumus, a Roman knight, who absolutely refused to sell it, and declared, that Clodius, of all men, should never have it, while he lived: Clodius threatened to obstruct his windows; but finding that neither his threats, nor offers availed any thing, he contrived to get the knight poisoned; and so bought the house, after his death, at the sale of his effects, by outbidding all who offered for it. His next step was to secure the remaining part of Cicero's area, which was not included in the consecration, and was now also exposed, by his direction, to a public auction; but as it was not easy to find any citizen who would bid for it, and he did not care to buy it in his own name, he was forced to provide an obscure, needy fellow, called Scato, to purchase it for him, and, by that means, became master of the most spacious habitation in all the city.*

This desolation of Cicero's fortunes at home, and the misery which he suffered abroad, in being deprived of every thing that was dear to him, soon made him repent of the resolution of his flight; which he ascribes to the envy and treachery of his counsellors, who, taking the advantage of his fears, and the perplexity which he was under, pushed him

* Ipse cum loci illius, cum ædium cupiditate flagraret. Pro Dom. 41.

Monumentum iste, nunquam aut religionem ullam excogitavit: habitare laxe et magnifice voluit: duasque et magnas et nobiles domos conjungere. Eodem puncto temporis quo meus discessus isti causam cædis eripuit, a Q. Scio contendit, ut domum sibi venderet. Cum ille id negaret, primo se luminibus ejus esse obstructurum minabatur. Affirmabat Postumus, se vivo, domum suam istius nunquam futuram. Acutus adolescens ex istius sermone intellexit, quid fieri oporteret. Hominem veneno apertissime sustulit. Emit domum, licitatoribus defatigatis—in Palatio pulcherrimo prospectu porticum cum conclavibus pavimentatam trecentum pedum concupierat; amplissimum peristylum, facile ut omnium domos et laxitate et dignitate superaret: et homo religiosus, cum ædes meas emeret et venderet, tamen illis tantis tenebris, non ausus est suum nomen emptioni ascribere. Posuit scilicet Scatonem illum. Pro Dom. 44.

At in iis ædibus, quas tu Q. Scio Equite Romano—per te apertissime interfecto, tenes. De Harusp. respon. 14.

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to an act both ruinous and inglorious. This he chiefly charges on Hortensius; and though he forbears to name him to Atticus, on account of the strict friendship between them, yet he accuses him very freely to his brother, Quintus, of coming every day insidiously to his house, and, with the greatest professions of zeal and affection, perpetually insinuating, to his hopes and fears, that, by giving way to the present rage, he could not fail of being recalled, with glory, in three days time.* Hortensius was particularly intimate, at this time, with Pompey; and might, possibly, be employed to urge Cicero to this step, in order to save Pompey the disgrace of being forced to act against him with a high hand. But let that be as it will, it was Pompey's conduct which shocked Cicero the most; not for its being contrary to his oaths, which the ambitious can easily dispense with, but to his interest, which they never neglect, but through weakness. The consideration of what was useful to Pompey, made him depend on his assistance:† he could have guarded against his treachery, but could not suspect him of the folly, of giving himself entirely up to Cæsar, who was the principal mover and director of the whole affair.

In this ruffled and querulous state of his mind, stung with the recollection of his own mistakes; and the perfidy of his friends, he frequently laments, that he had not tried the fate of arms, and resolved either to conquer bravely, or fall honourably: which he dwells so much upon, in his letters, as to seem persuaded, that it would have been his wisest course. But this is a problem not easy to be solved: it is

* Me summa simulatione amoris, summaque assiduitate quotidiana sceleratissime, insidiossimeque tractavit, adjuncto etiam Arrio, quorum ego consiliis, promissis, præceptis destitutus, in hanc calamitatem incidi. Ad Quint. Fr. 1. 3.

Sæpe triduo summa cum gloria dicebar esse rediturus. Ib. 4.

† Sed si quisquam fuisset, qui me Pompeii minus liberali responso perterritum, a turpissimo consilio revocaret. Ad Att. 3. 15.

Multa, quæ mentem exturbarent meam: subita defectio Pompeii. Ad Quin. Fr. 1. 4.

Nullum est meum peccatum, nisi quod iis credidi, a quibus nefas putaram esse me decipi, aut etiam quibus ne id expedire quidem arbitrabar. Ib.

certain, that his enemies were using all arts, to urge him to the resolution of retreating; as if they apprehended the consequences of his stay, and that the real aim of the triumvirate was, not to destroy, but to humble him: yet, it is no less certain, that all resistance must have been in vain, if they had found it necessary to exert their strength against him; and that they had already proceeded too far, to suffer him to remain in the city, in defiance of them; and if their power had been actually employed to drive him away, his return must have been the more desperate, and they the more interested to keep him out; so that it seems to have been his most prudent part, and the most agreeable to his character, to yield, as he did, to the necessity of the times.

But we have a full account of the motives of his retreat, in the speeches which he made after his return, both to the senate and the people, "When I "saw the senate," says he, "deprived of its leaders; "myself partly pushed, and partly betrayed by the "magistrates, the slaves enrolled by name, under "the colour of fraternities; the remains of Catiline's "forces brought again into the field, under their old "chiefs; the knights terrified with proscriptions; "the corporate towns with military execution; and "all with death and destruction: I could still have "defended myself by arms; and was advised to it "by my brave friends, nor did I want that same cou-"rage, which you had all seen me exert on other "occasions; but when I saw, at the same time, that, "if I conquered my present enemy, there were "many more behind, whom I had still to conquer; "that, if I happened to be conquered, many honest "men would fall both with me, and after me; that "there were people enough ready to revenge the "tribune's blood, while the punishment of mine "would be left to the forms of a trial and to poste-"rity; I resolved not to employ force in defending "my private safety, after I had defended that of the

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"public without it; and was willing, that honest "men should rather lament the ruin of my fortunes "than make their own desperate, by adhering to me: "and if, after all, I had fallen alone, that would have "been dishonourable to myself; if amidst the slaugh- "ter of my citizens, fatal to the Republic."*

In another speech: "If in so good a cause," says he, "supported with such zeal by the senate; by "the concurrence of all honest men; by the ready "help of all Italy; I had given way to the rage of a "despicable tribune, or feared the levity of two con- "temptible consuls, I must own myself to have been "a coward, without heart or head—but there were "other things which moved me. That fury Clodius "was perpetually proclaiming in his harangues, that "what he did against me, was done by the authority "of Pompey, Crassus, and Cæsar—that these three "were his counsellors in the cabinet, his leaders in "the field; one of whom had an army already in "Italy, and the other two could raise one whenever "they pleased. What then? Was it my part to re- "gard the vain brags of an enemy, falsely thrown "out against those eminent men? No; it was not "his talking, but their silence, which shocked me; "and, though they had other reasons for holding "their tongues, yet, to one in my circumstances, "their saying nothing was a declaration; their si- "lence a confession: they had cause, indeed, to be "alarmed on their own account, lest their acts, of "the year before, should be annulled by the prætors "and the senate—many people, also, were instilling "jealousies of me into Pompey, and perpetually ad- "monishing him to beware of me; and as for Cæsar, "whom some imagined to be angry with me, he was "at the gates of the city with an army, the command "of which he had given to Appius, my enemy's "brother. When I saw all this, which was open "and manifest to every body; what could I do?

* Post red. in Sen. 13, 14.

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"When Clodius declared, in a public speech, that I "must either conquer twice or perish: so that "neither my victory, nor my fall, would have re- "stored the peace of the Republic."*

Clodius, having satiated his revenge upon Cicero, proposed another law, not less violent and unjust, against Ptolemy, king of Cyprus; to deprive him of his kingdom, and reduce it to a Roman province, and confiscate the whole estate. This prince was brother to the king of Egypt, and reigning by the same right of hereditary succession; in full peace and amity with Rome; accused of no practices, nor suspected of any designs against the Republic; whose only crime was to be rich and covetous; so that the law was an unparalleled act of injustice, and what Cicero, in a public speech, did not scruple to call a mere robbery.† But Clodius had an old grudge to the king, for refusing to ransom him, when he was taken by the pirates, and sending him only the contemptible sum of two talents:‡ "and what," says Cicero, "must other kings think of their secu- "rity, to see their crowns and fortunes at the dis- "posal of a tribune and six hundred mercenaries?"§ The law passed, however, without any opposition; and to sanctify it, as it were, and give it the better face and colour of justice, Cato was charged with the execution of it: which gave Clodius a double pleasure, by imposing so shameful a task upon the gravest man in Rome. It was a part, likewise, of the same law, as well as of Cato's commission, to restore certain exiles of Byzantium, whom their city

* Pro Sext. 16—18, 19.

† Qui cum lege nefaria Ptolemæum, Regem Cypri, fratrem Regis Alexandrini, eodem jure regnantem, causa incognita, publicasses, populumque Romanum scelere obligasses: cum in ejus regnum, bona, fortunas, latrocinium hujus imperii immisisses, cujus cum patre, avo, majoribus, societas nobis et amicitia fuisset. Pro Dom. 8.

Rex amicus, nulla injuria commemorata, nullis repetitis rebus, cum bonis omnibus publicaretur. Pro Sext. 26. De quo nulla unquam suspicio durior. Ib. 27.

‡ Dio, 38. p. 78. Appian. l. 2. 441.

§ En! cur cæteri Reges stabilem esse fortunam suam arbitrentur, cum—videant, per tribunum aliquem et sexcentas operas se fortunis spoliari, et regno omni posse nudari? Pro Sext. 27.

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had driven out, for crimes against the public peace.* The engaging Cato, in such dirty work, was a master-piece, and served many purposes of great use to Clodius: first, to get rid of a troublesome adversary, for the remainder of his magistracy; secondly, to fix a blot on Cato himself, and shew, that the most rigid pretenders to virtue might be caught by a proper bait: thirdly, to stop his mouth, for the future, as he openly bragged, from clamouring against extraordinary commissions: fourthly, to oblige him, above all, to acknowledge the validity of his acts, by his submitting to bear a part in them.† The tribune had the satisfaction to see Cato taken in his trap; and received a congratulatory letter upon it from Cæsar, addressed to him in the familiar style, of Cæsar to Clodius; which he read publicly to the people, as a proof of the singular intimacy between them.‡ King Ptolemy, in the meanwhile, as soon as he heard of the law, and of Cato's approach towards Cyprus, put an end to his life by poison; unable to bear the disgrace of losing, at once, both his crown and his wealth. Cato executed his commission with great fidelity: and returned, the year following, in a kind of triumph to Rome, with all the king's effects reduced into money, amounting to about a million and a half sterling; which he delivered, with great pomp, into the public treasury.§

* Hujus pecuniæ deportandæ, et, si quis suum jus defenderet, bello gerendo Catonem præfecisti. Pro Dom. 8.

At etiam eo negotio M. Catonis splendorem maculare voluerunt. Pro Sext. 28.

Tu una lege tulisti, ut Cyprius Rex—cum bonis omnibus sub præcone subjiceretur, et exules Byzantium reducerentur. Eidem, inquit, utraque de re negotium dedi. Pro Dom. 20.

† Sub honorificentissimo ministerii titulo M. Catonem a Rep. relegavit. [Vell. Pat. 2. 45.] Non illi ornandum M. Catonem, sed relegandum putaverunt: qui in concione palam dixerint, linguam se evellisse Catoni, quæ semper contra extraordinarias potestates libera fuisset. Quod si ille repudiasset, dubitatis quin ei vis esset allata, cum omnia acta illius anni per illum unum labefactari viderentur? Pro Sext. 28, 29.

Gratulari tibi, quod idem in posterum M. Catonem, tribunatu tuo removisses. Pro Dom. 9.

‡ Litteras in concione recitasti, quas tibi a C. Cæsare missas esse diceres. Cæsar Pulchro. Cum etiam ea argumentatus, amoris esse hoc signum, cum nominibus tantum uteretur. Ib.

§ Plut.—Cato. Flor. 3. 9.

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This proceeding was severely condemned by Cicero; though he touches it in his public speeches with some tenderness, for the sake of Cato; whom he labours to clear from any share of the iniquity: "The commission," says he, "was contrived, not "to adorn, but to banish Cato; not offered, but im- "posed upon him. Why did he then obey it; just "as he had sworn to obey other laws, which he "knew to be unjust, that he might not expose him- "self to the fury of his enemies, and, without doing "any good, deprive the Republic of such a citizen. "If he had not submitted to the law, he could not "have hindered it; the stain of it would still have "stuck upon the Republic, and he himself suffer- "ed violence for rejecting it; since it would have "been a precedent for invalidating all the other "acts of that year: he considered, therefore, that "since the scandal of it could not be avoided, he "was the person best qualified to draw good out of "evil, and to serve his country well, though in a "bad cause."* But howsoever this may colour, it cannot justify Cato's conduct; who valued himself highly upon his Cyprian transactions; and, for the sake of that commission, was drawn in, as Clodius expected, to support the authority from which it flowed, and to maintain the legality of Clodius's tribunate, in some warm debates even with Cicero himself.†

Among the other laws made by Clodius, there was one, likewise, to give relief to the private members of corporate towns, against the public injuries of their communities. The purpose of it was specious, but the real design, to screen a creature of his own, one Merula, of Anagnia, who had been punished, or driven from his city, for some notorious villanies, and who, in return for this service, erected a statue to his patron, on part of the area of Cicero's house, and inscribed it to Clodius, the author of so excellent a law. But as Cicero told him, afterwards,

* Pro Sext. 28, 29. † Plut. in Cato. Dio, l. 39. 100.

in one of his speeches, the place itself where the statue stood, the scene of so memorable an injury, confuted both the excellency of the law and the inscription.*

But it is time for us to look after Cicero in his flight; who left Rome about the end of March; for, on the eighth of April, we find him at Vibo, a town in the most southern part of Italy; where he spent several days, with a friend, named Sica: here he received the copy of the law made against him; which, after some alteration and correction, fixed the limits of his exile to the distance of four hundred miles from Italy.† His thoughts had hitherto been wholly bent on Sicily; but when he was arrived within sight of it, the prætor, C. Virgilius, sent him word, that he must not set his foot in it. This was a cruel shock to him, and the first taste of the misery of disgrace; that an old friend, who had been highly obliged to him,‡ of the same party and principles, should refuse him shelter in a calamity, which he had drawn upon himself by his services to the Republic; speaking of it afterwards, when it was not not his business to treat it severely, "See," says he, "the horror of these times; when all Sicily "was coming out to meet me, the prætor, who had "often felt the rage of the same tribune, and in the "same cause, would not suffer me to come into the "island. What shall I say? That Virgilius, such a "citizen, and such a man, had lost all benevolence, "all remembrance of our common sufferings, all his "piety, humanity, and faith towards me? No such "thing: he was afraid, how he should singly sus-

* Legem de injuriis publicis tulisti, Anagnino nescio cui Merulæ per gratiam, qui tibi ob eam legem statuam tibi in meis ædibus posuit; ut locus ipse in tua tanta injuria legem et inscriptionem Statuæ refelleret. Quæ res Anagninis multo majori dolori fuit, quam quæ idem ille gladiator scelera Anagniæ fecerat. Pro Dom. 30.

† Allata est nobis rogatio de pernicie mea, in qua quod correctum est, audieramus esse ejusmodi, ut mihi ultra quadringenta millia liceret esse—statim iter Brundisium versus contuli—nec et Sica, apud quem eram, periret.—Ad Att. 3, 4.

‡ Plut. in Cic.

"tain the weight of that storm, which had over-
"powered our joint forces.*

This unexpected repulse from Sicily obliged him to change his route, and turn back again towards Brundisium, in order to pass into Greece: he left Vibo, therefore, that he might not expose his host Sica to any danger, for entertaining him; expecting to find no quiet, till he could remove himself beyond the bounds prescribed by the law. But in this he found himself mistaken; for all the towns on his road received him with the most public marks of respect; inviting him to take up his quarters with them, and guarding him, as he passed through their territories, with all imaginable honour and safety to his person. He avoided, however, as much as possible, all public places; and when he came to Brundisium, would not enter into the city, though it expressed the warmest zeal for his service, and offered to run all hazards in his defence.†

In this interval, he was pressing Atticus in every letter, and in the most moving terms, to come to him; and, when he removed from Vibo, gave him daily intelligence of all his stages, that he might know still where to find him; taking it for granted, that he would not fail to follow him.‡ But Atticus seems to have given him no answer on this head, nor to have had any thoughts of stirring from Rome: he was persuaded, perhaps, that his company abroad

* Siciliam petivi animo, quæ et ipsa erat mihi, sicut domus una, conjuncta; et obtinebatur a Virgilio: quocum me uno vel maxime tum vetusta amicitia, tum mei fratris collegia, tum. Respub. sociarat. Vide nunc caliginem temporum illorum. Cum ipsa pæne insula mihi sese obviam ferre vellet, prætor ille ejusdem tribuni pleb. concionibus propter eandem Reipub. causam sæpe vexatus, nihil amplius dico, nisi me in Siciliam venire noluit, &c. Pro Cn. Planc. 40.

† Cum omnia illa Municipia, quæ sunt a Vibone Brundisium, in fide mea essent, iter mihi tutum, multis minitantibus, magno cum suo metu præstiterunt. Brundisium veni, vel potius ad mœnia accessi. Urbem unam mihi amicissimam declinavi, quæ se vel potius exscindi, quam e suo complexu ut eriperer facile pateretur. Ib. 41.

‡ Sed te oro, ut ad me Vibonem statim venias.—Si id non feceris mirabor, sed confido te esse facturum. Ad Att. 3. 1.

Nunc, ut ad te antea scripsi, si ad nos veneris, consilium totius rei capiemus. Ib. 2.

Iter Brundisium versus contuli—nunc tu propera, ut nos consequare, si modo recipiemur. Adhuc invitamur benigne. Ib. 3.

Nihil mihi optatius cadere posse, quam ut tu me quam primum consequare. Ib. 4.

could be of no other use to him, than to give some little relief to his present chagrin; whereas his continuance in the city might be of the greatest; not only in relieving, but removing his calamity, and procuring his restoration: or, we may imagine, what his character seems to suggest, that though he had a greater love for Cicero, than for any man, yet it was always with an exception, of not involving himself in the distress of his friend, or disturbing the tranquillity of his life, by taking any share of another's misery; and that he was following only the dictates of his temper and principles, in sparing himself a trouble, which would have made him suffer more than his philosophy could easily bear. But, whatever was the cause, it gave a fresh mortification to Cicero; who, in a letter upon it, says, "I made "no doubt but that I should see you at Tarentum "or Brundisium: it would have been convenient for "many reasons; and, above all, for my design of "spending some time with you in Epirus, and re"gulating all my measures by your advice: but "since it has not happened, as I wished, I shall add "this also to the great number of my other afflic"tions."* He was now lodged in the villa of M. Lenius Flaccus, not far from the walls of Brundisium, where he arrived on the 17th of April, and on the last of the same month embarked for Dyrrhachium. In his account of himself to his wife, "I spent thir"teen days," says he, "with Flaccus, who, for my "sake, slighted the risk of his fortunes and life: "nor was deterred by the penalty of the law from "performing, towards me, all the rights of friend"ship and hospitality; I wish that it may ever be "in my power to make him a proper return; am

* Non fuerat mihi dubium, quin te Tarenti aut Brundisii visurus essem: idque ad multa pertinuit; in eis, et ut in Epiro consisteremus, et de reliquis rebus tuo consilio uteremur. Quoniam id non contigit, erit hoc quoque in magno numero nostrorum malorum. Ib. 6.

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"sure that I shall always think myself obliged to "f do it."*

During his stay with Flaccus, he was in no small perplexity about the choice of a convenient place for his residence abroad: Atticus offered him his house in Epirus; which was a castle of some strength, and likely to afford him a secure retreat. But since Atticus could not attend him thither, in person, he dropped all thoughts of that, and was inclined to go to Athens: till he was informed, that it would be dangerous for him to travel into that part of Greece; where all those, who had been banished for Catiline's conspiracy, and especially Autronius, then resided; who would have had some comfort, in their exile, to revenge themselves on the author of their misery, if they could have caught him.†

Plutarch tells us, that, in sailing out of Brundisium, the wind, which was fair, changed of a sudden, and drove him back again; and when he passed over to Dyrrhachium, in the second attempt, that there happened an earthquake, and a great storm immediately after his landing; from which, the soothsayers foretold, that his stay abroad would not be long. But it is strange, that a writer, so fond of prodigies, which nobody else takes notice of, should omit the story of Cicero's dream, which was more to his purpose, and is related by Cicero himself; that, in one of the stages of his flight, being lodged in the villa of a friend, after he had lain restless and wakeful a great part of the night, he fell into a sound

* In hortos M. Lenii Flacci me contuli: cui cum omnis metus, publicatio bonorum, exilium, mors proponeretur, hæc, perpeti, si acciderent, maluit, quam custodiam mei capitis dimittere. Pro Planc. 41.

Nos Brundisii apud M. Lenium Flaccum dies XIII. fuimus, virum optimum: qui periculum fortunarum et capitis sui præ mea salute neglexit: neque legis improbissimæ pœna deductus est, quo minus hospitii et amicitiæ jus, officiumque præstaret. Huic utinam gratiam aliquando referre possimus; habebimus quidem semper. Ep. Fam. 14. 4.

† Quod me rogas et hortaris, ut apud te in Epiro sim; voluntas tua mihi valde grata est.—Sed itineris causa ut diverterem, primum est devium; deinde ab Autronio et cæteris quatridui; deinde sine te. Nam castellum munitum habitanti mihi prodesset, transeunti non est necessarium. Quod si auderem, Athenas peterem: sane ita cadebat ut vellem. Nunc et nostri hostes ibi sunt, et te non habemus. Ad Att. 3. 7.

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sleep, near break of day, and when he awaked, about eight in the morning, told his dream to those round him: that, as he seemed to be wandering, disconsolate, in a lonely place, C. Marius, with his fasces wreathed with laurel, accosted him, and demanded, why he was so melancholy; and when he answered, that he was driven out of his country, by violence, Marius took him by the hand, and bidding him be of courage, ordered the next lictor to conduct him into his monument; telling him, that there he should find safety: upon this, the company presently cried out, that he would have a quick and glorious return.* All which was exactly fulfilled; for his restoration was decreed in a certain temple, built by Marius, and, for that reason, called Marius's monument; where the senate happened to be assembled on that occasion.†

This dream was much talked of in the family, and Cicero himself, in that season of his dejection, seemed to be pleased with it; and on the first news, of the decree's passing in Marius's monument, declared that nothing could be more divine: yet, in disputing afterwards, on the nature of dreams, he asserts them all to be vain and fantastical, and nothing else but the imperfect traces, and confused impressions, which our waking thoughts leave upon the mind; that, in his flight, therefore, as it was natural for him to think much upon his countryman Marius, who had suffered the same calamity, so that was the cause of his dreaming of him; and that no old woman could be so silly, as to give any credit to dreams, if, in the infinite number and variety of them, they did not sometimes happen to hit right.‡

* De Divin. 1. 28. Val. Max. 1. 7.

† Valerius Maximus calls this monument of Marius, the temple of Jupiter; but it appears, from Cicero's account, to have been the temple of Honour and Virtue.

‡ Maximeque reliquiæ earum rerum moventur in animis, et agitantur, de quibus vigilantes aut cogitavimus aut egimus. Ut mihi temporibus illis multum in animo Marius versabatur, recordanti, quam ille gravem suum casum magno animo, quam constanti tulisset. Hanc credo causam de illo somniandi fuisse. De Divin. 2, 67.

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When he came to Dyrrhachium, he found confirmed, what he had heard before in Italy, that Achaia, and the neighbouring parts of Greece, were possessed by those rebels, who had been driven from Rome on Catiline's account. This determined him to go into Macedonia, before they could be informed of his arrival, where his friend, Cn. Plancius was then quæstor; who no sooner heard of his landing, than he came to find him at Dyrrhachium; where out of regard to his present circumstances, and the privacy which he affected, dismissing his officers, and laying aside all the pomp of magistracy, he conducted him, with the observance of a private companion, to his head quarters at Thessalonica, about the 21st of May. L. Appuleius was the prætor, or chief governor of the province: but though he was an honest man, and Cicero's friend, yet he durst not venture to grant him his protection, or shew him any public civility, but contented himself with conniving only at what his quæstor Plancius did.*

While Cicero staid at Dyrrhachium, he received two expresses from his brother Quintus, who was now coming home from Asia, to inform him of his intended route, and to settle the place of their meeting: Quintus's design was, to pass from Ephesus to Athens, and thence, by land, through Macedonia; and to have an interview with his brother, at Thessalonica: but the news, which he met with at Athens, obliged him to hasten his journey towards Rome, where the faction were preparing to receive him with an impeachment, for the mal-administration of his

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An tu censes ullam Anum tam deliram futuram fuisse, ut somniis crederet, nisi ista casu nonnunquam fortè temere concurrerent? Ib. 68.

* Quo cum venissem cognovi, id quod audieram, refertam esse Græciam sceleratissimorum hominum ac nefariorum.—Qui antequam de meo adventu audire potuissent, in Macedoniam ad Planciumque perrexi—nam simulac me Dyrrhachium attigisse audivit, statim ad me lictoribus dimissis, insignibus abjectis, veste mutata profectus est.—Thessalonicam me in Quæstoriumque perduxit. Pro Planc. 41. Post red. in Sen. 14.

Hic ego nunc de Prætore Macedoniæ nihil dicam amplius, nisi eum et civem optimum semper et mihi amicum fuisse, sed eadem timuisse. quæ cæteros. Pro Planc. ib.

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province: nor had Cicero, at last, resolution enough to see him; being unable to bear the tenderness of such a meeting, and much more, the misery of parting; and he was apprehensive, besides, that if they once met, they should not be able to part at all, whilst Quintus's presence at home was necessary to their common interests: so that, to avoid one affliction, he was forced, he says, to endure another most cruel one, that of shunning the embraces of a brother.*

L. Tubero, however, his kinsman, and one of his brother's lieutenants, paid him a visit, on his return towards Italy, and acquainted him with what he had learnt in passing through Greece, that the banished conspirators, who resided there, were actually forming a plot to seize and murder him; for which reason he advised him to go into Asia; where the zeal and affection of the province would afford him the safest retreat, both on his own and his brother's account.† Cicero was disposed to follow this advice, and leave Macedonia; for the Prætor Appuleius, though a friend, gave him no encouragement to stay; and the consul Piso, his enemy, was coming to the command of it the next winter: but all his friends at Rome dissuaded his removal to any place more distant from them; and Plancius treated him so affectionately, and contrived to make all things so easy to him, that he dropped the thoughts of changing his quarters. Plancius was in hopes that Cicero would be recalled with the expiration of his quæstorship, and that he should have the honour of returning

* Quintus Frater cum ex Asia venisset ante Kalend. Mai, et Athenas venisse idib. vulde fuit ei properandum, ne quid absens acciperet calamitatis, siquis forte fuisset, qui contentus nostris malis non esset. Itaque eum malui properare Romam, quam ad me venire: et simul, dicam enim quod verum est,—animum inducere non potui, ut aut illum amantissimum mei, mollissimo animo tanto in mœrore aspicerem—atque etiam illud timebam, quod profecto accidisset, ne a me digredi non posset.—Hujus acerbitatis eventum altera acerbitate non videndi fratris vitavi. Ad Att. 3. 9. Ad Quin. Fra. 1. 3.

† Cum ad me L. Tubero, meus necessarius, qui Fratri meo legatus fuisset, decedens ex Asia venisset, easque insidias, quas mihi paratas ab exulibus conjuratis audierat, animo amicissimo detulisset. In Asiam me ire, propter ejus provinciæ mecum et cum fratre meo necessitudinem. Pro Planc. 41.

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with him to Rome, to reap the fruit of his fidelity, not only from Cicero's gratitude, but the favour of the senate and people.* The only inconvenience that Cicero found, in his present situation, was the number of soldiers and concourse of people, who frequented the place, on account of business with the quæstor: for he was so shocked and dejected by his misfortune, that, though the cities of Greece were offering their services and compliments, and striving to do him all imaginable honours,† yet he refused to see all company, and was so shy of the public, that he could hardly endure the light.‡

For it cannot be denied, that, in this calamity of his exile, he did not behave himself with that firmness, which might reasonably be expected from one, who had borne so glorious a part in the Republic; conscious of his integrity, and suffering in the cause of his country: for his letters are generally filled with such lamentable expressions of grief and despair, that his best friends, and even his wife, was forced to admonish him, sometimes, to rouse his courage,‖ and remember his former character. Atticus was constantly putting him in mind of it; and sent him word of a report, that was brought to Rome, by one of Crassus's freed men, that his affliction had disordered his senses: to which he answered; that his mind was still sound, and wished only, that it had been always so, when he placed his confidence on those, who perfidiously abused it to his ruin.§

* Plancius, homo officiosissimus, me cupit esse secum et adhuc retinet—sperat posse fieri, ut mecum in Italiam decedat. Ep. Fam. 14. 1.

Longius, quum ita vobis placet, non discedam. Ib. 2.

Me adhuc Plancius liberalitate sua retinet—spes homini est injecta, non eadem, quæ mihi, posse nos una decedere: quam rem sibi magno honori sperat fore. Ad Att. 3. 22.

† Plut. in Cic.

‡ Odi enim celebritatem, fugio homines, lucem aspicere vix possum. Ad Att. 3. 7.

‖ Tu quod me hortaris, ut animo sim magno, &c. Ep. Fam. 14. 4.

§ Nam quod scribis te audire, me etiam mentis errore ex dolore affici: mihi vero mens integra est; atque utinam tam in periculo fuisset, cum ego, iis, quibus salutem meam carissimam esse arbitrabar, inimicissimis, crudelissimisque usus sum. Ad Att. 3. 13.

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But these remonstrances did not please him; he thought them unkind and unseasonable, as he intimates in several of his letters, where he expresses himself very movingly on this subject. "As to your "chiding me," says he, "so often and so severely, "for being too much dejected; what misery is there, "I pray you, so grievous, which I do not feel in my "present calamity? Did any man ever fall from such "a height of dignity, in so good a cause, with the "advantage of such talents, experience, interest; "such support of all honest men? Is it possible for "me to forget what I was? Or not to feel what I "am? From what honour, what glory, I am driven? "From what children? What fortunes? What a "brother? Whom, though I love and have ever loved "better than myself, yet, (that you may perceive, "what a new sort of affliction I suffer) I refused to "see; that I might neither augment my own grief, "by the sight of his, nor offer myself to him thus "ruined, whom he had left so flourishing: I omit "many other things intolerable to me: for I am "hindered by my tears: tell me, then, whether I "am still to be reproached for grieving? or for suf-"fering myself, rather, to be deprived of what I "ought never to have parted with, but with my life: "which I might easily have prevented, if some per-"fidious friends had not urged me to my ruin, within "my own walls, &c."* In another letter; "Con-"tinue," says he, "to assist me, as you do, with "your endeavours, your advice, and your interest; "but spare yourself the pains of comforting, and "much more of chiding me: for when you do this, "I cannot help charging it to your want of love and "concern for me; whom I imagine to be so afflicted "with my misfortune, as to be inconsolable even "yourself."†

† Accepi quatuor epistolas a te missas; unam, qua me objurgas, ut sim firmior; alteram, qua Crassi libertum ais tibi de mea sollicitudine maciequc narrasse. Ib. 15.

* Ad Att. 3. 10.

† Tu me, ut facis, opera, consilio, gratia juva: consolari jam desine: objurgare

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

He was now, indeed, attacked in his weakest part; the only place in which he was vulnerable: to have been as great in affliction, as he was in prosperity, would have been a perfection not given to man: yet, this very weakness flowed from a source, which rendered him the more amiable in all the other parts of life; and the same tenderness of disposition, which made him love his friends, his children, his country, more passionately than other men, made him feel the loss of them more sensibly: "I have twice," says he, "saved the Republic; once, with "glory; a second time, with misery: for I will never "deny myself to be a man; or brag of bearing the "loss of a brother, children, wife, country, without "sorrow. For what thanks had been due to me for "quitting what I did not value."* In another speech; "I own my grief to have been extremely "great; nor do I pretend to that wisdom, which "those expected from me, who gave out, that I was "too much broken by my affliction: for such a hard-"ness of mind, as of body, which does not feel pain, "is a stupidity rather than a virtue. I am not one "of those to whom all things are indifferent; but "love myself and my friends, as our common hu-"manity requires; and he who, for the public good, "parts with what he holds the dearest, gives the "highest proof of love to his country."†

There was another consideration, which added no small sting to his affliction; to reflect, as he often

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vero noli: quod cum facis, ego tuum amorem et dolorem desidero: quem ita affectum mea ærumna esse arbitror, ut te ipsum nemo consolari potest. Ib. XI.

* Unus bis Rempub. servavi, semel gloria, iterum ærumna mea. Neque enim in hoc me hominem esse inficiabor unquam: ut me optimo fratre, carissimis liberis, fidelissima conjuge, vestro conspectu, patria, hoc honoris gradu sine dolore caruisse glorier. Quod si fecissem, quod a me beneficium haberetis, cum pro vobis ea, quæ mihi essent vilia, reliquissem. Pro Sext. 22.

† Accepi magnum atque incredibilem dolorem; non nego: neque istam mihi ascisco sapientiam, quam nonnulli in me requirebant, qui me animo nimis fracto et afflicto esse loquebantur—eamque animi duritiem, sicut corporis, quod cum uritur non sentit, stuporem potius, quam virtutem putarem—non tam sapiens quam ii, qui nihil curant, sed tam amans tuorum ac tui, quam communis humanitas postulat—qui autem ea relinquit Reipub. causa, a quibus summo cum dolore divellitur, ei patria cara est. Pro Dom. 36. 37.

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does, not only on what he had lost, but how he had lost it, by his own fault; in suffering himself to be imposed upon and deluded by false and envious friends. This he frequently touches upon in a strain, which shews, that it galled him very severely: "Though my grief," says he, "is incredible, yet I "am not disturbed so much by the misery of what I "feel, as the recollection of my fault. Wherefore, "when you hear, how much I am afflicted, imagine "that I am suffering the punishment of my folly, "not of the event, for having trusted too much to "one, whom I did not take to be a rascal."* It must needs be cruelly mortifying to one of his temper, nicely tender of his reputation, and passionately fond of glory to, impute his calamity to his own blunders, and fancy himself the dupe of men not so wise as himself: yet, after all, it may reasonably be questioned, whether his inquietude of this sort, was not owing rather to the jealous and querulous nature of affliction itself, than to any real foundation of truth: for Atticus would never allow his suspicions to be just, not even against Hortensius, where they seemed to lie the heaviest.† This is the substance of what Cicero himself says, to excuse the excess of his grief; and the only excuse, indeed, which can be made for him; that he did not pretend to be a stoic, nor aspire to the character of a hero: yet we see some writers, labouring to defend him, even against himself; and endeavouring to persuade us, that all this air of dejection and despair was wholly feigned and assumed, for the sake of moving compassion, and engaging his friends to exert themselves the more warmly, in soliciting his res-

* Etsi incredibili calamitate afflictus sum, tamen non tam est ex miseria, quam ex culpæ nostræ recordatione—quare cum me afflictum et confectum luctu audies, existimato me stultitiæ meæ pœnam ferre gravius, quam eventi; quod ei crediderim, quem nefarium esse non putarim. Ad Att, 3. 8. vid. 9. 14, 15. 19, &c.

† Nam quod purgas eos, quos ego mihi scripsi invidisse, et in eis Catonem: ego vero tantum illum puto a scelere isto abfuisse, ut maxime doleam plus apud me simulationem aliorum, quam istius fidem valuisse. Cæteri, quos purgas, debent mihi purgati esse, tibi si sunt. Ib. 15.

toration; lest his affliction should destroy him, before they could effect it.*

When he had been gone a little more than two months, his friend Ninnius, the tribune, made a motion, in the senate, to recal him, and repeal the law of Clodius; to which the whole house readily agreed with eight of the tribunes, till one of the other two, Ælius Ligus, interposed his negative: they proceeded, however, to a resolution, that no other business should be transacted, till the consuls had actually prepared a new law for that purpose.† About the same time, Quintius Cicero, who left Asia on the first of May, arrived at Rome, and was received with great demonstrations of respect, by persons of all ranks, who flocked out to meet him.‡ Cicero suffered an additional anxiety on his account, lest the Clodian cabal, by means of the impeachment, which they threatened, should be able to expel him too: especially, since Clodius's brother, Appius, was the prætor, whose lot it was to sit on those trials.§ But Clodius was now losing ground apace; being grown so insolent, on his late success, that even his friends could not bear him any longer: for having banished Cicero, and sent Cato out of his way, he began to fancy himself a match for Pompey: by whose help, or connivance at least, he had acquired all his power; and, in open defiance of him, seized by stratagem, into his hands, the son of king Tigranes, whom Pompey had brought with him from the east, and kept a prisoner at Rome, in the custody of Flavius the

* Absens potius se dolere simulavit, ut suos, quod diximus, magis commoveret: et præsens item se doluisse simulavit, ut vir prudentissimus, scenæ, quod aiunt, serviret. Conrad. Quest. p. 291.

† Decrevit senatus frequens de meo reditu Kal. Jun. dissentiente nullo, referente L. Ninnio—intercessit Ligus iste nescio qui, additamentum inimicorum meorum. Omnia senatus rejiciebat, nisi de me primum consules retulissent. Pro Sext. 31.

Non multo post discessum meum me universi revocavistis referente L. Ninnio. Post red. in Sen. 2.

‡ Huic ad urbem venienti tota obviam civitas cum lacrymis, gemituque processerat. Pro Sext. 31.

§ Mihi etiam unum de malis in metu est, fratris miseri negotium. Ad Att. 3. 8.

De Quinto Fratre nuntii nobis tristes—sane sum in meo infinito mœrore sollicitus, et eo magis, quod Appii quæstio est. Ib. 17.

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prætor; and, instead of delivering him up, when Pompey demanded him, undertook, for a large sum of money, to give him his liberty, and send him home. This, however, did not pass without a sharp engagement between him and Flavius, who marched out of Rome, with a body of men, well armed, to recover Tigranes by force: but Clodius proved too strong for him, and killed a great part of his company, and among them Papirius, a Roman knight of Pompey's intimate acquaintance, while Flavius also, himself, had some difficulty to escape with life.*

This affront roused Pompey to think of recalling Cicero; as well to correct the arrogance of Clodius, as to retrieve his credit, and ingratiate himself with the senate and people: he dropped some hints of his inclination to Cicero's friends, and particularly to Atticus, who presently gave him part of the agreeable news: upon which Cicero, though he had no opinion of Pompey's sincerity, was encouraged to write to him: and sent a copy of his letter to Atticus, telling him, at the same time, that if Pompey could digest the affront which he had received, in the case of Tigranes, he should despair of his being moved by any thing.† Varro, likewise, who had a particular intimacy with Pompey, desired Atticus to let Cicero know, that Pompey would certainly enter into his cause, as soon as he heard from Cæsar, which he expected to do every day. This intelli-

* Me expulso, Catone amandato, in eum ipsum se convertit, quo auctore, quo adjutore, in concionibus ea, quæ gerebat, omnia, quæque gesserat, se fecisse et facere dicebat. Cn. Pompeium—diutius furori suo veniam daturum non arbitrabatur. Qui ex ejus custodia per insidias regis amici filium, hostem captivum surripuisset; et ea injuria virum fortissimum lacessisset. Speravit iisdem se copiis cum illo posse confligere, quibuscum ego noluissem bonorum periculo dimicare. Pro Dom. 25.

Ad quartum ab urbe lapidem pugna facta est: in qua multi ex utraque parte ceciderunt; plures tamen ex Flavii, inter quos M. Papirius, Eques Romanus, publicanus, familiaris Pompeio. Flavius sine comite Romam vix perfugit. Ascon. in Milon. 14.

† Sermonem tuum et Pompeii cognovi ex tuis literis. Motum in Repub. non tantum impendere video, quantum tu aut vides, aut ad me consolandum affers. Tigrane enim neglecto sublata sunt omnia—literarum exemplum, quas ad Pompeium scripsi, misi tibi. Ad Att. 3. 8.

Pompeium etiam simulatorem puto. Ad Quint. Fr. 1. 3.

Ex literis tuis plenus sum expectatione de Pompeio, quidnam de nobis velit, aut ostendat. Si tibi stultus esse videor, qui sperem, facio tuo jussu. Ad Att. 3. 14.

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gence, from so good an author, raised Cicero's hopes, till, finding no effects of it for a considerable time, he began to apprehend, that there either was nothing at all in it, or that Cæsar's answer was averse, and had put an end to it.* The fact, however, shews, what an extraordinary deference Pompey paid to Cæsar, that he would not take a step in this affair, at Rome, without sending first to Gaul, to consult him about it.

The city was alarmed, at the same time, by the rumour of a second plot against Pompey's life, said to be contrived by Clodius, one of whose slaves was seized at the door of the senate, with a dagger, which his master had given him, as he confessed, to stab Pompey: which, being accompanied with many daring attacks on Pompey's person, by Clodius's mob, made him resolve to retire from the senate and the Forum, till Clodius was out of his tribunate, and shut himself up in his own house, whither he was still pursued, and actually besieged by one of Clodius's freedmen, Damio. An outrage so audacious could not be overlooked by the magistrates, who came out, with all their forces, to seize or drive away Damio; upon which a general engagement ensued, where Gabinius, as Cicero says, was forced to break his league with Clodius, and fight for Pompey; at first faintly and unwillingly, but, at last, heartily; while Piso, more religious, stood firm to his contract, and fought on Clodius's side, till his fasces were broken, and he, himself, wounded, and forced to run away.†

* Expectationem nobis non parvam attuleras, cum scripseras Varronem tibi pro amicitia confirmasse, causam nostram Pompeium certe suscepturum; et simul a Cæsare literæ, quas expectaret, remissæ essent, auctorem etiam daturum. Utrum id nihil fuit, an adversatæ sunt Cæsaris literæ? Ib. 18.

† Cum hæc non possent diutius jam sustinere, initur consilium de interitu Cn. Pompeii: quo patefacto, ferroque deprehenso, ille inclusus domi tamdiu fuit, quamdiu inimicus meus in tribunatu. Pro Sext. 32.

Deprehensus denique cum ferro ad senatum is, quem ad Cn. Pompeium interimendum collocatum fuisse constabat. In Pison. 12.

Cum tamen—Gabinius collegit ipse se vix: et contra suum Clodium, primum simulate; deinde non libenter; ad extremum tamen pro Cn. Pompeio vere, vehe-

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Whether any design was really formed against Pompey's life, or the story was contrived to serve his present views, it seems probable, at least, that his fears were feigned, and the danger too contemptible, to give him any just apprehension; but the shutting himself up at home, made an impression upon the vulgar, and furnished a better pretence for turning so quick upon Clodius, and quelling that insolence which he himself had raised; for this was the constant tenor of his politics, to give a free course to the public disorders, for the sake of displaying his own importance to more advantage; that, when the storm was at the height, he might appear, at last, in the scene, like a deity of the theatre, and reduce all again to order; expecting still, that the people, tired and harassed by these perpetual tumults, would be forced to create him dictator, for settling the quiet of the city.

The consuls elect were, P. Cornelius Lentulus, and Q. Metellus Nepos: the first was Cicero's warm friend, the second his old enemy; the same, who put that affront upon him on laying down his consulship: his promotion, therefore, was a great discouragement to Cicero, who took it for granted, that he would employ all his power to obstruct his return; and reflected, as he tells us, that, though it was a great thing to drive him out, yet, as there were many who hated, and more who envied him, it would not be difficult to keep him out.* But Metellus, perceiving which way Pompey's inclination, and Cæsar's also, was turning, found reason to change his mind, or, at least, to dissemble it: and promised, not only to give his consent, but his assistance, to Cicero's restoration. His colleague, Lentulus, in the meanwhile, was no sooner elected, than he re-

menterque pugnavit. Tu tamen homo religiosus et sanctus, fœdus frangere noluisti—itaque in illo tumultu fracti fasces, ictus ipse, quotidie tela, lapides, fuga. Ib.

* Inimici sunt multi, invidi pene omnes. Ejicere nos magnum fuit, excludere facile est. Ep. Fam. 14. 3.

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vived the late motion of Ninnius, and proposed a vote to recal Cicero; and when Clodius interrupted him, and recited that part of his law, which made it criminal to move any thing about it, Lentulus declared it to be no law, but a mere proscription and act of violence.* This alarmed Clodius, and obliged him to exert all his arts, to support the validity of the law: he threatened ruin and destruction to all who should dare to oppose it; and, to imprint the greater terror, fixed upon the doors of the senate-house, that clause which prohibited all men to speak or act in any manner for Cicero's return, on pain of being treated as enemies. This gave a farther disquiet to Cicero, lest it should dishearten his active friends, and furnish an excuse to the indolent, for doing nothing: he insinuates, therefore, to Atticus, what might be said to obviate it; that all such clauses were only bugbears, without any real force; or otherwise, no law could ever be abrogated; and whatever effect this was intended to have, that it must needs fall, of course, with the law itself.†

In this anxious state of his mind, jealous of every thing that could hurt, and catching at every thing that could help him, another little incident happened, which gave him a fresh cause of uneasiness: for some of his enemies had published an invective oration, drawn up by him, for the entertainment only of his intimate friends, against some eminent senator, not named, but generally supposed to be Curio, the father, who was now disposed and engaged to serve him: he was surprised and concerned, that the oration was made public; and his instructions upon it, to Atticus, are somewhat curious, and shew how

* Cum a tribuno pleb. vetaretur, cum præclarum caput recitaretur, ne quis ad vos referret—totam illam, ut ante dixi, proscriptionem, non legem putavit. Post red. in Sen. 4.

† Tute scripsisti, quoddam caput legis Clodiuin in curiæ poste fixisse, ne referri, neve dici liceret. Ad Att. 3. 15.

Sed vides nunquam esse observatas sanctiones earum legum, quæ abrogarentur. Nam si id esset, nulla fere abrogari posset:—sed cum lex abrogatur, illud ipsum abrogatur, quo non eam abrogari oporteat. Ib. 23.

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much he was struck with the apprehension of losing so powerful a friend. "You have stunned me," says he, "with the news of the oration's being published: "heal the wound, as you promise, if you possibly "can: I wrote it long ago in anger, after he had "first written against me; but had suppressed it so "carefully, that I never dreamt of its getting abroad, "nor can imagine how it slipt out: but since, as "fortune would have it, I never had a word with "him in person, and it is written more negligently "than my other orations usually are, I cannot but "think that you may disown it, and prove it not to be "mine: pray take care of this, if you see any hopes "for me; if not, there is the less reason to trouble "myself about it."*

His principal agents and solicitors at Rome were his brother Quintus, his wife Terentia, his son-in-law Piso, Atticus, and Sextius. But the brother and the wife, being both of them naturally peevish, seem to have given him some additional disquiet, by their mutual complaints against each other, which obliged him to admonish them, gently, in his letters, that since their friends were so few, they ought to live more amicably among themselves.†

Terentia, however, bore a very considerable part of the whole affair; and, instead of being daunted by the depression of the family, and the ruin of their fortunes, seems to have been animated rather the more to withstand the violences of their enemies, and procure her husband's restoration. But one of Cicero's letters to her, in these unhappy circumstances, will give the clearest view of her character, and the spirit with which she acted.

* Percussisti autem me de oratione prplata; cui vulneri, ut scribis, medere, si quid potes. Scripsi equidem olim iratus, quod ille prior scripserat; sed ita compresseram, ut nunquam manaturam putarem. Quo modo exciderit nescio. Sed qui nunquam accidit, ut cum eo verbo uno concertarem; et quia scripta mihi videtur negligentius, quam cæterœ, puto posse probari non esse meam. Id, si putas me posse sanari, cures velim: sin plane perii, minus laboro. Ad Att. 3. XII.

† De Quinto fratre nihil ego te accusavi, sed vos, cum præsertim tam pauci estis, volui esse quam conjunctissimos. Ep. Fam. 14. 1.

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CICERO TO TERENTIA.

"Do not imagine that I write longer letters to "any one than to you, unless it be when I receive "a long one from somebody else, which I find my- "self obliged to answer. For I have nothing either "to write, nor, in my present situation, employ my- "self on any thing that is more troublesome to me; "and when it is to you and our dear Tulliola, I can- "not write without a flood of tears. For I see you "the most wretched of women, whom I wished al- "ways to see the happiest, and ought to have made "so; as I should have done, if I had not been so "great a coward. I am extremely sensible of Piso's "services to us; have exhorted him, as well as I "could, and thanked him as I ought. Your hopes, "I perceive, are in the new tribunes; that will be "effectual, if Pompey concur with them: but I am "afraid still of Crassus. You do every thing for "me, I see, with the utmost courage and affection: "nor do I wonder at it; but lament our unhappy "fate, that my miseries can only be relieved by your "suffering still greater: for our good friend, P. Va- "lerius, wrote me word, what I could not read with- "out bursting into tears, how you were dragged "from the temple of Vesta to the Valerian bank. "Alas, my light, my darling, to whom all the world "used to sue for help! that you, my dear Terentia, "should be thus insulted; thus oppressed with "grief and distress! and that I should be the cause "of it; I, who have preserved so many others, that "we ourselves should be undone! As to what you "write about the house, that is, about the area; I "shall then take myself to be restored, when that "shall be restored to us. But those things are not "in our power. What affects me more nearly is, "that when so great an expense is necessary, it "should all lie upon you, who are so miserably "stripped and plundered already. If we live to see

"an end of these troubles, we shall repair all the "rest. But if the same fortune must ever depress "us, will you throw away the poor remains that are "left for your subsistence? For God's sake, my "dear life, let others supply the money who are "able, if they are willing: and if you love me, do "nothing that can hurt your health, which is al-"ready so impaired: for you are perpetually in "my thoughts, both day and night. I see that you "decline no sort of trouble; but am afraid how "you will sustain it. Yet the whole affair depends "on you. Pay the first regard, therefore, to your "health, that we may attain the end of all your "wishes and your labours. I know not whom to "write to, except to those who write to me, or of "whom you send me some good account. I will "not remove to a greater distance, since you are "against it; but would have you write to me as "often as possible, especially if you have any hopes "that are well grounded. Adieu, my dear love, "adieu.—The 5th of October, from Thessalonica."

Terentia had a particular estate of her own, not obnoxious to Clodius's law, which she was now offering to sale, for a supply of their present necessities: this is what Cicero refers to, where he entreats her not to throw away the small remains of her fortunes; which he presses still more warmly in another letter, putting her in mind, that if their friends did not fail in their duty, she could not want money; and if they did, that her own would do but little towards making them easy: he implores her, therefore, not to ruin the boy, who, if there was any thing left to keep him from want, would, with a moderate share of virtue and good fortune, easily recover the rest.* The son-in-law, Piso, was extremely affectionate and dutiful in performing all good offices,

* Tantum scribo, si erunt in officio amici, pecunia non deerit, si non erunt, tu efficere tua pecunia non poteris. Per fortunas miseras nostras, vide ne puerum perditum perdamus: cui si aliquid erit, ne egeat, mediocri virtute opus est, et mediocri fortuna, ut cætera consequatur. Ib.

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both to his banished father and the family; and resigned the quæstorship of Pontus and Bithynia, on purpose to serve them the more effectually by his presence in Rome: Cicero makes frequent acknowledgment of his kindness and generosity: "Piso's "humanity, virtue, and love for us all is so great," says he, "that nothing can exceed it: the gods "grant that it may one day be a pleasure; I am "sure it will always be an honour to him."*

Atticus likewise supplied them liberally with money: he had already furnished Cicero, for the exigencies of his flight, with above 2000*l.* and, upon succeeding to the great estate of his uncle Cæcilius, whose name he now assumed, made him a fresh offer of his purse:† yet his conduct did not wholly satisfy Cicero, who thought him too cold and remiss in his service; and fancied, that it flowed from some secret resentment, for having never received from him, in his flourishing condition, any beneficial proofs of his friendship: in order, therefore, to rouse his zeal, he took occasion to promise him, in one of his letters, that, whatever reason he had to complain on that score, it should all be made up to him, if he lived to return: "If fortune," says he, "ever restore me

* Qui Pontum et Bithyniam Quæstor pro mea salute neglexit.—Post red. in Sen. 15.

Pisonis humanitas, virtus, amor in nos omnes tantus est, ut nihil supra esse possit. Utinam ea res ei voluptati sit, gloriæ quidem video fore. Ep. Fam. 14. 1.

† Ciceroni, ex patria fugienti H. S. ducenta et quinquaginta millia donavit. Corn. Nep. Vit. Att. 4.

Quod te in tanta hereditate ab omni occupatione expedisti, valde mihi gratum est. Quod facultates tuas ad meam salutem polliceris, ut omnibus rebus a te præter cæteros juver, id quantum sit præsidium video—Ad Att. 3. 20.

This Cæcilius, Atticus's uncle, was a famous churl and usurer, sometimes mentioned in Cicero's letters, who adopted Atticus, by his will, and left him three-fourths of his estate, which amounted to above 80,000*l.* sterling. He had raised this great fortune, by the favour chiefly of Lucullus, whom he flattered to the last, with a promise of making him his heir, yet left the bulk of his estate to Atticus, who had been very observant of his humour: for which fraud, added to his notorious avarice and extortion, the mob seized his dead body, and dragged it infamously about the streets. Val. Max. 7. 8. Cicero, congratulating Atticus upon his adoption, addresses his letter to Q. Cæcilius, Q. F. Pomponianus, Atticus. For, in assuming the name of the adopter, it was usual to add also their own family name, though changed in its termination, from Pomponius to Pomponianus, to preserve the memory of their real extraction: to which some added, also, the surname, as Cicero does in the present case. Ad Att. 3. 20.

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"to my country, it shall be my special care, that "you, above all my friends, have cause to rejoice "at it: and though, hitherto, I confess you have "reaped but little benefit from my kindness, I will "manage so, for the future, that, whenever I am re- "stored, you shall find yourself as dear to me, as "my brother and my children: if I have been want- "ing, therefore, in my duty to you, or rather, since "I have been wanting, pray pardon me; for I have "been much more wanting to myself."* But Atticus begged of him to lay aside all such fancies, and assured him, that there was not the least ground for them; and that he had never been disgusted by any thing, which he had either done, or neglected to do, for him; entreating him to be perfectly easy on that head, and to depend always on his best services, without giving himself the trouble, even of reminding him.† Yet, after all, the suspicion itself, as it comes from one who knew Atticus so perfectly, seems to leave some little blot upon his character: but, whatever cause there might be for it, it is certain, that Cicero, at least, was as good as his word, and, by the care which he took, after his return, to celebrate Atticus's name in all his writings, has left the most illustrious testimony to posterity of his sincere esteem and affection for him.

Sextius was one of the tribunes elect: and, being entirely devoted to Cicero, took the trouble of a journey into Gaul, to solicit Cæsar's consent to his restoration; which, though he obtained, as well by his own intercession, as by Pompey's letters, yet it seems to have been with certain limitations, not agreeable to Cicero; for, on Sextius's return to

* Ego, si me aliquando vestri et patriæ compotem fortuna fecerit, certe efficiam, ut maxime lætere unus ex omnibus amicis: meaque officia ac studia, quæ parum antea luxerunt (fatendum est enim) sic exequar, ut me æque tibi ac fratri et liberis nostris restitutum putes. Si quid in te peccavi, ac potius quoniam peccavi, ignosce: in me enim ipsum peccavi vehementius. Ad Att. 3. 15.

† Quod me vetas quicquam suspicari accidisse ad animum tuum, quod secus a me erga te commissum, aut prætermissum videretur, geram tibi morem et liberabor ista cura. Tibi tamen eo plus debeo, quo tua in me humanitas fuerit excelsior, quam in te mea. Ib. 20.

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Rome, when he drew up the copy of a law, which he intended to propose, upon his entrance into office; conformable, as we may imagine, to the conditions stipulated with Cæsar; Cicero greatly disliked it; as being too general, and without the mention even of his name, nor providing sufficiently either for his dignity, or the restitution of his estate; so that he desires Atticus to take care to get it amended by Sextius.*

The old tribunes, in the meanwhile, eight of whom were Cicero's friends, resolved to make one effort more, to obtain a law in his favour, which they jointly offered to the people, on the twenty-eighth of October: but Cicero was much more displeased with this, than with Sextius's: it consisted of three articles; the first of which restored him only to his former rank, but not to his estate; the second was only matter of form, to indemnify the proposers of it: the third enacted, that if there was any thing in it, which was prohibited to be promulgated by any former law, particularly by that of Clodius, or which involved the author of such promulgation in any fine or penalty, that, in such case, it should have no effect. Cicero was surprised, that his friends could be induced to propose such an act, which seemed to be against him, and to confirm that clause of the Clodian law, which made it penal to move any thing for him: whereas, no clauses of that kind had ever been regarded, or thought to have any special force, but fell of course, when the laws themselves were repealed: he observes, that it was an ugly precedent for the succeeding tribunes, if they should happen to have any scruples; and that Clodius had already taken the advantage of it, when, in a speech to the people, on the third of November, he declared, that this act of the tribunes was a proper

* Hoc interim tempore, P. Sextius designatus iter ad C. Cæsarem pro mea salute suscepit. Quid egerit, quantum profecerit, nihil ad causam. Pro Sext. 32.

Rogatio Sextii neque dignitatis satis habet nec cautionis. Nam et nominatim ferre oportet, et de bonis diligentius scribi: et id animadvertas velim. Ad Att. 3. 20.

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lesson to their successors, to let them see how far their power extended. He desires Atticus, therefore, to find out, who was the contriver of it, and how Ninnius and the rest came to be so much overseen, as not to be aware of the consequences of it.*

The most probable solution of it is, that these tribunes hoped to carry their point with less difficulty, by paying this deference to Clodius's law, the validity of which was acknowledged by Cato, and several others of the principal citizens;† and they were induced to make this push for it, before they quitted their office, from a persuasion, that if Cicero was once restored, on any terms, or with what restrictions soever, the rest would follow of course; and that the recovery of his dignity would necessarily draw after it every thing else that was wanted: Cicero seems to have been sensible of it himself on second thoughts, as he intimates, in the conclusion of his letter. "I should be sorry," says he, "to have "the new tribunes insert such a clause in their law; "yet, let them insert what they please, if it will but "pass and call me home, I shall be content with "it."‡ But the only project of a law which he approved, was drawn by his cousin, C. Visellius Aculeo, an eminent lawyer of that age, for another of the new tribunes, T. Fadius, who had been his quæstor, when he was consul: he advised his friends, therefore, if there was any prospect of success, to push forward that law, which entirely pleased him.§

In this suspense of his affairs at Rome, the troops, which Piso had provided for his government of Ma-

* Quo major est suspicio malitiæ alicujus, cum id, quod ad ipsos nihil pertinebat, erat autem contra me, scripserunt. Ut novi tribuni pleb. si essent timidiores, multo magis sibi eo capite utendum putarent. Neque id a Clodio prætermissum est, dixit enim in concione ad diem III. Non. Novemb. hoc capite designatis tribunis pleb. præscriptum esse quid liceret. Ut Ninnium et cæteros fugerit investiges velim, et quis attulerit, &c. Ib. 23.

† Video enim quosdam clarissimos viros, aliquot locis judicasse, te cum plebe jure agere potuisse. Pro Dom. 16.

‡ Id caput sane nolim novos tribunos pleb. ferre: sed perferant modo quidlibet: uno capite quo revocabor, modo res conficiatur, ero contentus. Ad Att. 3. 23.

§ Sed si est aliquid in spe, vide legem, quam T. Fadio scripsit Visellius: ea mihi perplacet. Ib.

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cedonia, began to arrive in great numbers at Thessalonica:* this greatly alarmed him, and made him resolve to quit the place without delay: and, as it was not advisable to move farther from Italy, he ventured to come still nearer, and turned back again to Dyrrhachium: for though this was within the distance forbidden to him by law, yet he had no reason to apprehend any danger, in a town particularly devoted to him, and which had always been under his special patronage and protection. He came thither on the twenty-fifth of November, and gave notice of his removal to his friends at Rome, by letters of the same date, begun at Thessalonica and finished at Dyrrhachium:† which shews the great haste, which he thought necessary, in making this sudden change of his quarters. Here he received another piece of news, which displeased him; that, with the consent and assistance of his managers at Rome, the provinces of the consuls elect had been furnished with money and troops by a decree of the senate: but, in what manner it affected him, and what reason he had to be uneasy at it, will be explained by his own letter upon it to Atticus.

"When you first sent me word," says he, "that "the consular provinces had been settled and pro- "vided for by your consent; though I was afraid, "lest it might be attended with some ill conse- "quence, yet I hoped that you had some special "reason for it, which I could not penetrate; but, "having since been informed, both by friends and "letters, that your conduct is universally con- "demned, I am extremely disturbed at it; because "the little hopes, that were left, seem now to be

* Me adhuc Plancius retinet. Sed jam cum adventare milites dicerentur, faciendum nobis erit, ut ab eo discedamus. Ib. 22.

† Dyrrhachium veni quod et libera civitas est, et in me officiosa. Ep. Fam. 14. 1. Nam ego eo nomine sum Dyrrhachii, ut quam celerrime quid agatur, audiam, et sum tuto. Civitas enim hæc semper a me defensa est. Ib. 3.

Quod mei studiosos habeo Dyrrhachinos, ad eos perrexi, cum illa superiora Thessalonicæ scripsissem. Ad Att. 3. 22. Fam. 14. 1.

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" destroyed: for, should the new tribunes quarrel " with us upon it, what farther hopes can there be? " and they have reason to do so; since they were " not consulted in it, though they had undertaken " my cause, and have lost by our concession all that " influence, which they would otherwise have had " over it; especially, when they declare that it was " for my sake only, that they desired the power of " furnishing out the consuls; not with design to " hinder them, but to secure them to my interest; " whereas, if the consuls have a mind to be per- " verse, they may now be so, without any risk; yet, " let them be never so well disposed, can do nothing " without the consent of the tribunes. As to what " you say, that, if you had not agreed to it, the con- " suls would have carried their point with the peo- " ple; that could never have been done, against the " will of the tribunes: I am afraid, therefore, that " we have lost by it the affection of the tribunes; or, if " that still remains, have lost, at least, our hold on the " consuls. There is another inconvenience still, not " less considerable; for that important declaration, " as it was represented to me, that the senate would " enter into nothing, till my affair was settled, is now " at an end: and in a case not only unnecessary, but " new and unprecedented: for I do not believe, that " the provinces of the consuls had ever before been " provided for, until their entrance into office: but " having now broken through that resolution, which " they had taken in my cause, they are at liberty to " proceed to any other business, as they please. It " is not, however, to be wondered at, that my " friends, who were applied to, should consent to " it; for it was hard for any one, to declare openly " against a motion, so beneficial to the two consuls; " it was hard, I say, to refuse any thing to Lentulus, " who has always been my true friend; or to Me- " tellus, who has given up his resentments with so " much humanity; yet I am apprehensive, that we

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"have alienated the tribunes, and cannot hold the "consuls: write me word, I desire you, what turn "this has taken, and how the whole affair stands, "and write with your usual frankness; for I love to "know the truth, though it should happen to be "disagreeable.—The tenth of December."*

But Atticus, instead of answering this letter, or rather indeed before he received it, having occasion to visit his estate in Epirus, took his way thither, through Dyrrhachium, on purpose to see Cicero, and explain to him, in person, the motives of their conduct. Their interview was but short; and, after they parted, Cicero, upon some new intelligence, which gave him fresh uneasiness, sent another letter after him into Epirus, to call him back again: "After you left me," says he, "I received letters "from Rome, from which I perceive, that I must "end my days in this calamity; and, to speak the "truth, (which you will take in good part) if there "had been any hopes of my return, you, who love "me so well, would never have left the city at "such a conjuncture: but I say no more, lest I be "thought either ungrateful, or desirous to involve "my friends too in my ruin; one thing I beg, that "you would not fail, as you have given your word, "to come to me, wherever I shall happen to be, "before the first of January."†

While he was thus perplexing himself with perpetual fears and suspicions, his cause was proceeding very prosperously at Rome, and seemed to be in such a train, that it could not be obstructed much longer: for the new magistrates, who were coming on with the new year, were all, except the prætor Appius, supposed to be his friends; while his enemy Clodius was soon to resign his office, on which the greatest part of his power depended; Clodius himself was sensible of the daily decay of his credit, through the superior influence of Pompey; who

* Ad Att. 3. 24. † Ad Att. 3. 25.

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had drawn Cæsar away from him, and forced even Gabinius to desert him: so that, out of rage and despair, and the desire of revenging himself on these new and more powerful enemies, he would willingly have dropped the pursuit of Cicero; or consented even to recal him, if he could have persuaded Cicero's friends and the senate to join their forces with him against the triumvirate. For this end, he produced Bibulus, and the other augurs, in an assembly of the people, and demanded of them, whether it was not unlawful to transact any public business, when any of them were taking the auspices? To which they all answered in the affirmative. Then he asked Bibulus, whether he was not actually observing the heavens, as oft as any of Cæsar's laws were proposed to the people? To which he answered in the affirmative: but being produced a second time, by the prætor Appius, he added, that he took the auspices also, in the same manner, at the time when Clodius's act of adoption was confirmed by the people: but Clodius, while he gratified his present revenge, little regarded how much it turned against himself; but insisted, that all Cæsar's acts ought to be annulled by the senate, as being contrary to the auspices; and, on that condition, declared publicly, that he himself would bring back Cicero, the guardian of the city, on his own shoulders.*

In the same fit of revenge, he fell upon the consul Gabinius, and, in an assembly of the people, which he called for that purpose, with his head veiled, and a little altar and fire before him, consecrated his whole estate. This had been sometimes done against traitorous citizens; and, when legally performed, had the effect of a confiscation, by making

* Tu tuo præcipitanti jam et debilitato tribunatu, auspiciorum patronus subito extitisti. Tu M. Bibulum in concione, tu Augures produxisti. Te interrogante Augures responderunt, cum de cœlo servatum sit, cum populo agi non posse—tua denique omnis actio posterioribus mensibus fuit, omnia, quæ C. Cæsar egisset, quæ contra auspicia essent acta, per senatum rescindi oportere. Quod si fieret, dicebas, te tuis humeris me, custodem urbis, in urbem relaturum. Pro Dom. 15.

A. Urb. 696. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

the place and effects ever after sacred and public: but, in the present case, it was considered only as an act of madness: and the tribune Ninnius, in ridicule of it, consecrated Clodius's estate in the same form and manner, that whatever efficacy was ascribed to the one, the other might justly challenge the same.*

But the expected hour was now come, which put an end to his detestable tribunate: it had been uniform and of a piece from the first to the last; the most infamous and corrupt that Rome had ever seen: there was scarce an office bestowed at home, or any favour granted to a prince, state, or city abroad, but what he openly sold to the best bidder: the poets, says Cicero, could not feign a Charybdis, so voracious as his rapine: he conferred the title of king on those who had it not, and took it away from those who had;† and sold the rich priesthoods of Asia, as the Turks are said to sell the Grecian bishopricks, without regarding whether they were full or vacant; of which Cicero gives us a remarkable instance. There was a celebrated temple of Cybele, at Pessinus in Phrygia, where that goddess was worshipped with singular devotion, not only by all Asia, but Europe too; and where the Roman generals themselves often used to pay their vows, and make their offerings. Her priest was in quiet possession, without any rival pretender, or any complaint against him; yet Clodius, by a law of the people, granted this priesthood to one Brogitarus, a petty sovereign in those parts, to whom he had before given the title of king: "and I shall think him "a king indeed," says Cicero, "if ever he be able to "pay the purchase money:" but the spoils of the

* Tu, tu, inquam, capite velato, concione advocata, foculo posito bona tui Gabinii consecrâsti in—quid? exemplo tuo bona tua nonne L. Ninnius—consecravit? quod si, quia ad te pertinet, ratum esse negas oportere; ea jura constituisti in præclaro tribunatu tuo, quibus in te conversis, recusares, alios everteres.—Pro Dom. 47, 48.

† Reges, qui erant, vendidit; qui non erant, appellavit—quam denique tam immanem Charybdim poetæ fingendo exprimere potuerunt, quæ tantos exhaurire gurgites posset, quantas iste prædas—exsorbuit? De Harusp. resp. 27.

A. Urb. 695. Cic. 49. Coss.—L. Calpurnius Piso. A. Gabinius.

temple were destined to that use, and would soon have been applied to it, if Deiotarus, king of Galatia, a prince of noble character, and a true friend to Rome, had not defeated the impious bargain, by taking the temple into his protection, and maintaining the lawful priest against the intruder: not suffering Brogitarus, though his son-in-law, to pollute or touch any thing belonging to it.*

All the ten new tribunes had solemnly promised to serve Cicero; yet Clodius found means to corrupt two of them, S. Atilius Serranus, and Numerius Quinctius Gracchus; by whose help he was enabled still to make head against Cicero's party, and retard his restoration some time longer: but Piso and Gabinius, perceiving the scene to be opening apace in his favour, and his return to be unavoidable, thought it time to get out of his way, and retire to their several governments, to enjoy the reward of their perfidy: so that they both left Rome, with the expiration of their year, and Piso set out for Macedonia, Gabinius for Syria.

A. Urb. 696. Cic. 50. Coss. P. Cornel Lentul. Spinther. Q. Cæcil. Metel Nepos.

On the first of January, the new consul, Lentulus, after the ceremony of his inauguration, and his first duty paid, as usual, to religion, entered directly into Cicero's affair, and moved the senate for his restoration;* while his colleague, Metellus, declared, with

* Qui accepta pecunia Pessinuntem ipsum, sedem domicilium, que Matris Deorum vastâris, et Brogitaro, Gallogræco, impuro homini ac nefario—totum illum locum fanumque vendideris. Sacerdotem ab ipsis aris, pulvinaribusque detraxeris.—Quæ Reges omnes, qui Asiam Europamque tenuerunt, semper summa religione coluerunt—Quæ Majores nostri tam sancta duxerunt, ut—nostri imperatores maximis et periculosissimis bellis huic Deæ vota facerent, eaque in ipso Pessinunte ad illam ipsam principem aram et in illo loco Fanoque persolverent.—Putabo regem, si habuerit unde tibi solvat.—Nam cum multa regia sunt in Deiotaro, tum illa maxime, quod tibi nummum nullum dedit.—Quod Pessinuntem per scelus a te violatum, et sacerdote, sacrisque spoliatum recuperavit.—Quod cæremonias ab omni vestustate acceptas a Brogitaro pollui non sinit, mavultque generum suum munere tuo, quam illud Fanum antiquitate religionis carere.—Ib. 13. Pro Sext. 26.

* Kalendis Januariis.—P. Lentulus Consul—simul ac de solemni religione retulit, nihil humanarum rerum sibi prius, quam de me agendum judicavit. Post red. ad Quir. 5.

much seeming candour, that though Cicero and he had been enemies, on account of their different sentiments in politics, yet he would give up his resentments to the authority of the fathers, and the interests of the Republic.* Upon which L. Cotta, a person of consular and censorian rank, being asked his opinion the first, said, that nothing had been done against Cicero, agreeably to right or law, or the custom of their ancestors; that no citizen could be driven out of the city without a trial; and that the people could not condemn, nor even try a man capitally, but in an assembly of their centuries: that the whole was the effect of violence, turbulent times, and an oppressed Republic: that, in so strange a revolution and confusion of all things, Cicero had only stepped aside, to provide for his future tranquillity, by declining the impending storm; and, since he had freed the Republic from no less danger by his absence, than he had done before by his presence, that he ought not only to be restored, but to be adorned with new honours: that what his mad enemy had published against him, was drawn so absurdly, both in words and sentiments, that, if it had been enacted in proper form, it could never obtain the force of a law: that, since Cicero, therefore, was expelled by no law, he could not want a law to restore him, but ought to be recalled by a vote of the senate. Pompey, who spoke next, having highly applauded what Cotta said, added, that, for the sake of Cicero's future quiet, and to prevent all farther trouble from the same quarter, it was his opinion, that the people should have a share in conferring that grace, and their consent be joined also to the authority of the senate. After many others had spoken, likewise, with great warmth, in the defence and praise of Cicero, they all came, unanimously,

* Quæ etiam collegæ ejus moderatio de me? Qui cum inimicitias sibi mecum ex Reipub. dissensione susceptas esse dixisset, eas se Patribus conscriptis dixit et temporibus Reipub. permissurum.—Pro Sext. 32.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

into Pompey's opinion, and were proceeding to make a decree upon it, when Serranus, the tribune, rose up and put a stop to it; not flatly interposing his negative, for he had not the assurance to do that, against such a spirit and unanimity of the senate, but desiring, only, a night's time to consider of it. This unexpected interruption incensed the whole assembly; some reproached, others entreated him; and his father-in-law, Oppius, threw himself at his feet, to move him to desist: but all that they could get from him, was a promise to give way to the decree the next morning; upon which they broke up. But the tribune, says Cicero, employed the night, not as people fancied he would, in giving back the money, which he had taken, but in making a better bargain, and doubling his price; for the next morning, being grown more hardy, he absolutely prohibited the senate from proceeding to any act.* This conduct of Serranus surprised Cicero's friends, being not only perfidious and contrary to his engagements, but highly ungrateful to Cicero; who in his consulship had been his special encourager and benefactor.†

The senate, however, though hindered at present from passing their decree, were too well united, and too strongly supported, to be baffled much longer by the artifices of a faction: they resolved, therefore, without farther delay, to propound a law to

* Tum princeps rogatus sententiam L. Cotta, dixit. Nihil de me actum esse jure, nihil more majorum, nihil legibus, &c. Quare me, qui nulla lege abessem, non restitui lege, sed senatus auctoritate oportere.

Post eum rogatus sententiam Cn. Pompeius, approbata, laudataque Cottæ sententia, dixit, sese otii mei causa, ut omni populari concertatione defungerer, censere; ut ad senatus auctoritatem populi quoque Romani beneficium adjungeretur. Cum omnes certatim, aliusque alio gravius de mea salute dixisset, fieretque sine ulla varietate discessio: surrexit Atilius; nec ausus est, cum esset emptus, intercedere; noctem sibi ad deliberandum postulavit. Clamor senatus, querelæ, preces, socer ad pedes abjectus. Ille, se affirmare postero die moram nullam esse facturum. Creditum est: discessum est: illi interea deliberatori merces, interposita nocte, duplicata est. Pro Sext. 34.

Deliberatio non in reddenda, quemadmodum nonnulli arbitrabantur, sed, ut patefactum est, in augenda mercede consumta est. Post red. ad Quir. 5.

† Is tribunus pleb. quem ego maximis beneficiis quæstorem consul ornaveram. Ib.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

the people for Cicero's restoration; and the twenty-second of the month was appointed for the promulgation of it. When the day came, Fabricius, one of Cicero's tribunes, marched out with a strong guard, before it was light, to get possession of the rostra: but Clodius was too early for him; and, having seized all the posts and avenues of the Forum, was prepared to give him a warm reception: he had purchased some gladiators, for the shows of his ædileship, to which he was now pretending: and borrowed another band of his brother Appius; and with these, well armed, at the head of his slaves and dependents, he attacked Fabricius, killed several of his followers, wounded many more, and drove him quite out of the place: and, happening to fall in at the same time with Cispius, another tribune, who was coming to the aid of his colleague, he repulsed him also with a great slaughter. The gladiators, heated with this taste of blood, opened their way on all sides with their swords, in quest of Quintus Cicero; whom they met with at last, and would certainly have murdered, if, by the advantage of the confusion and darkness, he had not hid himself under the bodies of his slaves and freed men, who were killed around him; where he lay concealed, till the fray was over. The tribune, Sextius, was treated still more roughly; for, being particularly pursued and marked out for destruction, he was so desperately wounded, as to be left for dead upon the spot; and escaped death, only by feigning it: but while he lay in that condition, supposed to be killed, Clodius, reflecting that the murder of a tribune, whose person was sacred, would raise such a storm as might occasion his ruin, took a sudden resolution to kill one of his own tribunes, in order to charge it upon his adversaries, and so balance the account, by making both sides equally obnoxious: the victim doomed to this sacrifice was Numerius Quinctius, an obscure fellow, raised to this dignity

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

by the caprice of the multitude, who, to make himself the more popular, had assumed the surname of Gracchus; "but the crafty clown," says Cicero, "having got some hint of the design, and finding "that his blood was to wipe off the envy of Sex- "tius's, disguised himself presently in the habit of "a muleteer, the same in which he first came to "Rome, and with a basket upon his head, while "some were calling out for Numerius, others for "Quinctius, passed undiscovered by the confusion "of the two names: but he continued in this danger "till Sextius was known to be alive: and if that dis- "covery had not been made sooner than one would "have wished, though they could not have fixed "the odium of killing their mercenary where they "designed it; yet they would have lessened the in- "famy of one villany, by committing another, which "all people would have been pleased with." According to the account of this day's tragedy, the Tiber, and all the common sewers, were filled with dead bodies, and the blood wiped up with sponges in the Forum, where such heaps of slain had never before been seen, but in the civil dissensions of Cinna and Octavius.*

Clodius, flushed with this victory, set fire, with his own hands, to the temple of the nymphs; where

* Princeps rogationis, vir mihi amicissimus, Q. Fabricius, templum aliquanto ante lucem occupavit. Cum forum, comitium, curiam multa de nocte armatis hominibus, ac servis occupavissent, impetum faciunt in Fabricium, manus afferunt, occidunt nonnullos, vulnerant multos: venientem in forum, virum optimum M. Cispium—vi depellunt; cædem in foro maximam faciunt. Universi distrectis gladiis in omnibus fori partibus fratrem meum oculis quærebant, voce poscebant. Pulsus e rostris in comitio jacuit, seque servorem et libertorum corporibus obtexit.

Multis vulneribus acceptis ac debilitato corpore contrucidato, Sextius, se abjecit exanimatus; neque ulla alia re ab se mortem, nisi mortis opinione, depulit. At vero illi ipsi parricidæ. Adeo vim facinoris sui perhorruerant, ut si paullo longior opinio mortis Sextii fuisset, Gracchum illum suum transferendi id nos criminis causa, occidere cogitarint. Sensit rusticulus, non incautus; mulioni eam penulam arripuit, cum qua primum Romam ad comitia venerit; messoria se corbe contexit: cum quærerent alii Numerium, alii Quinctium, gemini nominis errore servatus est, atque hoc scitis omnes; usque adeo hominem in periculo fuisse, quoad scitum sit, Sextium vivere. Quod nisi esset patefactum paullo citius, quem vellem, &c. Meministis tum Judices, corporibus civium Tiberim compleri, cloacas refertiri, e foro spongiis effingi sanguinem. Lapidationes persæpe vidimus; non ita sæpe, sed nimium tamen sæpe gladios; cædem vero tantam, tantos acervos corporum extructos, nisi forte illo Cinnano atque Octaviano die, quis unquam in foro vidit? Pro Sext. 35—38.

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the books of the censors and the public registers of the city were kept, which were all consumed with the fabric itself.* He then attacked the houses of Milo the tribune, and Cæcilius the prætor, with fire and sword; but was repulsed in both attempts with loss: Milo took several of Appius's gladiators prisoners, who, being brought before the senate, made a confession of what they knew, and were sent to jail: but were presently released by Serranus.† Upon these outrages, Milo impeached Clodius in form, for the violation of the public peace: but the consul Metellus, who had not yet abandoned him, with the prætor Appius, and the tribune Serranus, resolved to prevent any process upon it; and, by their edicts, prohibited either the criminal himself to appear, or any one to cite him.‡ Their pretence was, that the quæstors were not yet chosen, whose office it was to make the allotment of the judges; while they, themselves, kept back the election, and were pushing Clodius, at the same time, into the ædileship; which would screen him, of course, for one year from any prosecution. Milo, therefore, finding it impracticable to bring him to justice in the legal method, resolved to deal with him in his own way, by opposing force to force; and, for this end, purchased a band of gladiators, with which he had daily skirmishes with him in the streets; and acquired a great reputation of courage and generosity, for being the first, of all the Romans, who had ever bought gladiators, for the defence of the Republic.§

This obstruction given to Cicero's return, by an obstinate and desperate faction, made the senate only the more resolute to effect it: they passed a second

* Eum qui Ædem Nympharum incendit, ut memoriam publicam recensionis, tabulis publicis impressam, extingueret. Pro Mil. 27. Parad. 4. de Harusp. resp. 27.

† Gladiatores—comprehensi, in senatum introducti, confessi, in vincula conjecti a Milone, emissi a Serrano. Pro Sext. 39.

‡ Ecce tibi consul, prætor, tribunus pleb. nova novi generis edicta proponunt: ne reus adsit, ne citetur. Pro Sext. 41.

§ Sed honori summo Miloni nostro nuper fuit, quod gladiatoribus emptis Reipub. causa, quæ salute nostra continebatur, omnes P. Clodii conatus furoresque compressit. De Offic. 2. 17.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

vote, therefore, that no other business should be done, till it was carried; and, to prevent all farther tumults and insults upon the magistrates, ordered the consuls to summon all the people of Italy, who wished well to the state, to come to the assistance and defence of Cicero.* This gave new spirits to the honest citizens, and drew a vast concourse to Rome from all parts of Italy, where there was not a corporate town, of any note, which did not testify its respect to Cicero, by some public act or monument. Pompey was at Capua, acting as chief magistrate of his new colony; where he presided in person, at their making a decree to Cicero's honour, and took the trouble, likewise, of visiting all the other colonies and chief towns in those parts, to appoint them a day of general rendezvous at Rome, to assist at the promulgation of the law.†

Lentulus, at the same time, was entertaining the city with shows and stage plays, in order to keep the people in good humour, whom he had called from their private affairs in the country, to attend the public business. The shows were exhibited in Pompey's theatre, while the senate, for the convenience of being near them, was held in the adjoining temple of honour and virtue, built by Marius, out of the Cimbric spoils, and called, for that reason, Marius's monument: here, according to Cicero's dream, a decree now passed in proper form for his restoration; when, under the joint influence of those deities, honour, he says, was done to virtue; and

* Itaque postea nihil vos civibus, nihil sociis, nihil Regibus respondistis. Post red. in Sen. 3.

Quid mihi præclarius accidere potuit, quam quod illo referente vos decrevistis, ut cuncti ex omni Italia, qui Remp. salvam vellent, ad me unum—restituendum, et defendendum venirent? Ib. 9.

In una mea causa factum est, ut literis consularibus ex S. C. cuncta ex Italia omnes, qui Remp. salvam vellent, convocarentur. Pro Sext. 60.

† Qui in colonia nuper constituta, cum ipse generet magistratum, vim et crudelitatem privilegii auctoritate honestissimorum hominum, et publicis literis consignavit: princepsque Italiæ totius præsidium ad meam salutem implorandam putavit. Post red. in Sen. 11.

Hic municipia, coloniasque adiit: hic Italiæ totius auxilium imploravit. Pro Dom. 12.

the monument of Marius, the preserver of the empire, gave safety to his countryman, the defender of it.*

The news of this decree no sooner reached the neighbouring theatre, than the whole assembly expressed their satisfaction by claps and applauses, which they renewed upon the entrance of every senator: but when the consul Lentulus, took his place, they all rose up, and, with acclamations, stretched-out-hands, and tears of joy, publicly testified their thanks to him. But when Clodius ventured to shew himself, they were hardly restrained from doing him violence; throwing out reproaches, threats, and curses upon him: so that, in the shows of gladiators, which he could not bear to be deprived of, he durst not go to his seat in the common and open manner, but used to start up into it at once, from some obscure passage under the benches, which, on that account, was jocosely called the Appian way; where he was no sooner espied, than so general a hiss ensued, that it disturbed the gladiators, and frightened their very horses. "From these significations," says Cicero, "he might learn the difference between the "genuine citizens of Rome, and those packed assemblies of the people, where he used to domineer; and that the men, who lord it in such assemblies, are the real aversion of the city; while "those, who dare not shew their heads in them, are "received with all demonstrations of honour by the "whole people."†

* Cum in templo honoris virtutis, honos habitus esset virtuti; Caiique Marii, conservatoris hujus imperii, monumentum, municipi ejus et Reipub. defensori sedem ad salutem præbuisset. Pro Sext. 54. it. 56.

† Audito S. C. ore ipsi, atque absenti senatui plausus est ab universis datus: deinde, cum senatoribus singulis spectatum e senatu redeuntibus: cum vero ipse, qui ludos faciebat, consul assedit: stantes, et manibus passis gratias agentes, et lacrymantes gaudio, suam erga me benevolentiam ac misericordiam declararunt; at cum ille furibundus venisset, vix se populus Romanus tenuit. Pro Sext. 55. Is, cum quotidie gladiatores spectaret, nunquam est conspectus, cum veniret: emergebat subito, cum sub tabulas subrepserat—itaque illa via latebrosa, qua ille spectatum veniebat, Appia jam vocabatur: qui tamen quo tempore conspectus erat, non modo gladiatores, sed equi ipsi gladiatorum repentinis sibilis extimescebant. Videtisne igitur, quantum inter populum Romanum, et concionem intersit? Dominus concionum omni odio populi notari? Quibus autem consistere in operarum concionibus non licet, eos omni populi Romani significatione decorari? Ib. 59.

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When the decree passed, the famed tragedian, Æsopus, who acted, as Cicero says, the same good part in the Republic, that he did upon the stage, was performing the part of Telamon, banished from his country, in one of Accius's plays; where, by the emphasis of his voice, and the change of a word or two in some of the lines, he contrived to turn the thoughts of the audience on Cicero. "What he! "who always stood up for the Republic! who, "in doubtful times, spared neither life nor for- "tunes—the greatest friend, in the greatest dan- "ger—of such parts and talents—O father—I "saw his houses and rich furniture all in flames "—O ungrateful Greeks; inconstant people; "forgetful of services!—to see such a man banished; "driven from his country; and suffer him to con- "tinue so?"—At each of which sentences there was no end of clapping. In another tragedy, of the same poet, called Brutus, when, instead of Brutus, he pronounced Tullius, who established the liberty of his citizens; the people were so affected, that they called for it again a thousand times. This was the constant practice through the whole time of his exile: there was not a passage in any play, which could possibly be applied to his case, but the whole audience presently catched it up, and, by their claps and applauses, loudly signified their zeal and good wishes for him.*

Though a decree was regularly obtained for Cicero's return, Clodius had the courage and address still to hinder its passing into a law: he took all oc-

* Recenti nuncio de illo S. C. ad ludos, scenamque perlato, summus artifex, et mehercule semper partium in Repub. tanquam in scena, optimatium, flens et recenti lætitia et misto dolore ac desiderio mei—summi enim poetæ ingenium non solum arte sua sed etiam dolore exprimebat. Quid enim? qui Remp. certo animo adjuverit, statuerit, steterit, cum Achivis,—re dubia nec dubitarit vitam offerre, nec capiti pepercerit,—summum amicum summo in bello—summo ingenio præditum—O Pater—hæc omnia vidi inflammari—O ingratifici Argivi, inanes Graii, immemores beneficii!—exulare sinitis, sistis pelli pulsum patimini—quæ significatio fuerit omnium, quæ declaratio voluntatis ab universo populo Romano?

Nominatim sum appellatus in Bruto, Tullius, qui libertatem civibus stabiliverat. Millies revocatum est. Pro Sext. 56. 7. 8.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

casions of haranguing the people against it; and when he had filled the Forum with his mercenaries, he used to demand of them aloud, contrary to the custom of Rome, whether they would have Cicero restored or not; upon which his emissaries, raising a sort of dead cry in the negative, he laid hold of it, as the voice of the Roman people, and declared the proposal to be rejected.* But the senate, ashamed to see their authority thus insulted, when the whole city was on their side, resolved to take such measures, in the support of their decrees, that it should not be possible to defeat them. Lentulus, therefore, summoned them into the Capitol, on the twenty-fifth of May, where Pompey began the debate, and renewed the motion for recalling Cicero; and, in a grave and elaborate speech, which he had prepared in writing, and delivered from his notes, gave him the honour of having saved his country.† All the leading men of the senate spoke after him, to the same effect; but the consul, Metellus, notwithstanding his promises, had been acting, hitherto, a double part; and was, all along, the chief encourager and supporter of Clodius: when Servilius, therefore, rose up, a person of the first dignity, who had been honoured with a triumph and the censorship, he addressed himself to his kinsman Metellus; and, calling up from the dead all the family of the Metelli, laid before him the glorious acts of his ancestors, with the conduct and unhappy fate of his brother, in a manner so moving, that Metellus could not hold out any longer, against the force of the speech, nor the authority of the speaker; but, with tears in his eyes, gave himself up to Servilius, and

* Ille tribunus pleb. qui de me—non majorum suorum, sed Græculorum instituto, *concionem interrogare* solebat, velletne me redire: et cum erat reclamatum semivivis *mercenariorum* vocibus; populum Romanum negare dicebat. *Ib.* 59.

† Idem ille consul cum illa incredibilis multitudo Romam, et pæne Italia ipsa venisset, vos frequentissimos in Capitolium convocavit. [Post red. in Sen. 10.] Cum vir is, qui *tripartitas* orbis terrarum oras atque regiones tribus triumphis huic imperio adjunctas notavit, de scripto sententia dicta, mihi uni testimonium patriæ conservatæ dedit. Pro Sext 61.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

professed all future services to Cicero: in which he proved very sincere, and, from this moment, assisted his colleague in promoting Cicero's restoration: so that, in a very full house, of four hundred and seventeen senators: when all the magistrates were present, the decree passed, without one dissenting voice, but Clodius's:* which gave occasion to Cicero to write a particular letter of thanks to Metellus, as he had done once before, upon his first declaration for him.†

Some may be apt to wonder, why the two tribunes, who were Cicero's enemies still, as much as ever, did not persevere to inhibit the decree; since the negative of a single tribune had an indisputable force to stop all proceedings: but when that negative was wholly arbitrary and factious, contrary to the apparent interest and general inclination of the citizens; if the tribune could not be prevailed with, by gentle means, to recal it, the senate used to enter into a debate upon the merit of it, and proceed to some extraordinary resolution, of declaring the author of such an opposition an enemy to his country, and answerable for all the mischief that was likely to ensue: or of ordering the consuls to take care that the Republic received no detriment; which votes were thought to justify any methods, how violent soever, of removing either the obstruction, or the author of it; who seldom cared to expose himself to the rage of an inflamed city, headed by the consuls and the senate, and to assert his prerogative at the peril of his life.

* Q. Metellus, et inimicus et frater inimici perspecta vestra voluntate, omnia privata odia deposuit: quem P. Servilius—et auctoritatis et orationis suæ divina quadam gravitate ad sui generis, communisque sanguinis facta, virtutesque revocavit, ut haberet in consilio et fratrem ab inferis—et omnes Metellos, præstantissimos cives—itaque extitit non modo salutis defensor,—verum etiam adscriptor dignitatis meæ. Quo quidem die, cum vos 417, ex senatu essetis, magistratus autem hi omnes adessent, dissensit unus—Post red. in Sen. 10.

Collacrymavit vir egregius ac vere Metellus; totumque se P. Servilio dicenti etiam tum tradidit. Nec illam divinam gravitatem, plenam antiquitatis, diutius—potuit sustinere. Pro Sext. 62.

† Epist. Fam. 5. 4.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

This, in effect, was the case at present; when the consul, Lentulus, assembled the senate again the next day, to concert some effectual method for preventing all farther opposition, and getting the decree enacted into a law: but, before they met, he called the people likewise to the rostra; where he, and all the principal senators, in their turns, repeated to them the substance of what they had said before in the senate, in order to prepare them for the reception of the law: Pompey particularly exerted himself, in extolling the praises of Cicero; declaring, that the Republic owed its preservation to him, and that their common safety was involved in his: exhorting them to defend and support the decree of the senate, the quiet of the city, and the fortunes of a man, who had deserved so well of them: that this was the general voice of the senate; of the knights; of all Italy; and, lastly, that it was his own earnest and special request to them, which he not only desired, but implored them to grant.* When the senate afterwards met, they proceeded to several new and vigorous votes, to facilitate the success of the law: first, that no magistrate should presume to take the auspices, so as to disturb the assembly of the people, when Cicero's cause was to come before them: and that, if any one attempted it, he should be treated as a public enemy.

Secondly, that if, through any violence or obstruction, the law was not suffered to pass, within the five next legal days of assembly, Cicero should then be at liberty to return, without any farther authority.

Thirdly, that public thanks should be given to all the people of Italy, who came to Rome for Cicero's

* Quorum princeps ad rogandos et ad cohortandos vos fuit Cn. Pompeius—primum vos docuit, meis consiliis Rempub. esse servatam, causamque meam cum communi salute conjunxit; hortatusque est, ut auctoritatem senatus, statum civitatis, fortunas civis bene meriti defenderetis: tum in perorando posuit, vos rogari a senatu, rogari ab Equitibus, rogari ab Italia cuncta: denique ipse ad extremum pro mea vos salute non rogavit solum, verum etiam obsecravit. Post red. ad Quir. 7.

defence; and that they should be desired to come again, on the day when the suffrages of the people were to be taken.

Fourthly, that thanks should be given likewise to all the states and cities, which had received and entertained Cicero; and that the care of his person should be recommended to all foreign nations in alliance with them; and that the Roman generals, and all who had commanded abroad, should be ordered to protect his life and safety.*

One cannot help pausing awhile, to reflect on the great idea, which these facts imprint of the character and dignity of Cicero; to see so vast an empire in such a ferment on his account, as to postpone all their concerns and interests, for many months successively, to the safety of a single senator;† who had no other means of exciting the zeal, or engaging the affections of his citizens, but the genuine force of his personal virtues, and the merit of his eminent services: as if the Republic itself could not stand without him, but must fall into ruins, if he, the main pillar of it, was removed; whilst the greatest monarchs on earth, who had any affairs with the people of Rome, were looking on to expect the event, unable to procure any answer or regard to what they were soliciting till this affair was decided: Ptolemy, the king of Egypt, was particularly affected by it: who, being driven out of his kingdom, came to Rome about this time, to beg help and protection against his rebellious subjects;

* Quod est postridie decretum in curia—ne quis de cœlo servaret; ne quis moram ullam afferret; si quis aliter fecisset, eum plane eversorem Reipub. fore.

Addidit, si diebus quinque quibus agi de me potuisset, non esset actum redirem in patriam omni auctoritate recuperata.

Ut iis, qui ex tota Italia salutis meæ causa convenerant, agerentur gratiæ: atque iidem ad res redeuntes, ut venirent, rogarentur.

Quem enim unquam senatus civem, nisi me, nationibus exteris commendavit? cujus unquam propter salutem nisi meam, senatus publice sociis populi Romani gratias egit? De me uno P. C. decreverunt, ut qui provincias cum imperio obtinerent, qui quæstores legatique essent, salutem et vitam meam custodirent. Pro Sext. 60, 61.

† Nihil vos civibus, nihil sociis, nihil Regibus respondistis. Nihil Judices sententiis, nihil populus suffragiis, nihil hic ordo auctoritate declaravit: mutum forum, elinguem curiam, facitam et fractam civitatem videbatis. Post red. in Sen. 3.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

but, though he was lodged in Pompey's house, it was not possible for him to get an audience, till Cicero's cause was at an end.

The law, now prepared for his restoration, was to be offered to the suffrage of the centuries: this was the most solemn and honourable way of transacting any public business, where the best and gravest part of the city had the chief influence, and where a decree of the senate was previously necessary to make the act valid: but, in the present case, there seems to have been four or five several decrees, provided at different times, which had all been frustrated by the intrigues of Clodius and his friends, till these last votes proved decisive and effectual.* Cicero's resolution upon them was, to wait till the law should be proposed to the people; and if, by the artifices of his enemies, it should then be obstructed, to come away directly upon the authority of the senate, and rather hazard his life, than bear the loss of his country any longer.† But the vigour of the late debates had so discouraged the chiefs of the faction, that they left Clodius single in the opposition: Metellus dropped him, and his brother Appius was desirous to be quiet;‡ yet, it was above two months still, from the last decree, before Cicero's friends could bring the affair to a general vote, which they effected, at last, on the fourth of August.

There had never been known so numerous and solemn an assembly of the Roman people as this: all Italy was drawn together on the occasion: it was reckoned a kind of sin to be absent; and neither age nor infirmity was thought a sufficient excuse, for not lending a helping hand to the restoration of Cicero: all the magistrates exerted them-

* Vid. Pro Sext. 60. et Notas Manutii ad 61.

† Mihi in animo est legum lationem exspectare, et si obtrectabitur, utar auctoritate senatus, et potius vita quam patria carebo. Ad Att. 3. 26.

‡ Redii cum maxima dignitate, fratre tuo altero consule reducente, altero prætore petente. Pro Dom. 33.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

selves in recommending the law, excepting Appius and the two tribunes, who durst not venture, however, to oppose it; the meeting was held in the field of Mars, for the more convenient reception of so great a multitude; where the senators divided among themselves the task of presiding in the several centuries, and seeing the poll fairly taken: the result was, that Cicero was recalled from exile, by the unanimous suffrage of all the centuries; and to the infinite joy of the whole city.*

Clodius, however, had the hardiness, not only to appear, but to speak in this assembly against the law; but nobody regarded or heard a word that he said: he now found the difference mentioned above, between a free convention of the Roman people, and those mercenary assemblies, where a few desperate citizens, headed by slaves and gladiators, used to carry all before them: "Where now," says Cicero, "were those tyrants of the Forum, those harangners "of the mob, those disposers of kingdoms?"—This was one of the last genuine acts of free Rome; one of the last efforts of public liberty, exerting itself to do honour to its patron and defender: for the union of the triumvirate had already given it a dangerous wound, and their dissension, which not long after ensued, entirely destroyed it.

But it gave some damp to the joy of this glorious day, that Cicero's son-in-law, Piso, happened to die not long before it, to the extreme grief of the family; without reaping the fruits of his piety, and sharing the pleasure and benefit of Cicero's return. His praises, however, will be as immortal as Cicero's

* Quo die quis civis fuit, qui non nefas esse putaret, quacunque aut ætate aut valetudine esset, non se de salute mea sententiam ferre? Post red. in Sen. xi.

Nemo sibi nec valetudinis excusationem nec senectutis satis justam putavit. Pro Sext. 52.

De me cum omnes magistratus promulgassent, præter unum prætorem, a quo non erat postulandum, fratrem inimici mei, præterque duos de lapide emptos tribunos plebis—nullis comitiis unquam multitudinem hominum tantam, neque splendidiorem fuisse,—vos rogatores, vos distributores, vos custodes fuisse tabularum.—In Pison. 15.

writings, from whose repeated character of him we learn, that, for parts, probity, virtue, modesty, and for every accomplishment of a fine gentleman and fine speaker, he scarce left his equal behind him, among all the young nobles of that age.*

Cicero had resolved to come home, in virtue of the senate's decree, whether the law had passed or not; but, perceiving, from the accounts of all his friends, that it could not be defeated any longer, he embarked for Italy on the fourth of August; the very day on which it was enacted: and landed the next day at Brundisium, where he found his daughter Tullia already arrived to receive him. The day happened to be the annual festival of the foundation of the town, as well as of the dedication of the temple of safety at Rome; and the birth-day likewise of Tullia: as if Providence had thrown all these circumstances together to enhance the joy and solemnity of his landing; which was celebrated by the people with the most profuse expressions of mirth and gaiety. Cicero took up his quarters again with his old host Lenius Flaccus, who had entertained him so honourably in his distress, a person of great learning as well as generosity: here he received the welcome news in four days from Rome, that the law was actually ratified by the people with an incredible zeal and unanimity of all the centuries.† This obliged him to pursue

* Piso ille gener meus, cui pietatis suæ fructum, neque ex me, neque a populo Romano ferre licuit. Pro Sext. 31.

Studio autem neminem nec industria majore cognovi; quanquam ne ingenio quidem qui præstiterit, facile dixerim, C. Pisoni, genero meo. Nullum illi tempus vacabat, aut a forensi dictione, aut a commentatione domestica, aut a scribendo aut a cogitando. Itaque tantos processus faciebat, ut evolare non excurrere videbatur, &c.—alia de illo majora dici possunt. Nam nec continentia, nec pietate, nec ullo genere virtutis, quenquam ejusdem ætatis cum illo conferendum puto. Brut. p. 397, 398.

† Pridie Non. Sextil. Dyrrhachio sum profectus, illo ipso die quo lex est lata de nobis. Brundisium veni Nonis: ibi mihi Tulliola mea præsto fuit, natali suo ipso die, qui casu idem natalis erat Brundisinæ coloniæ; et tuæ vicinæ salutis. Quæ res animadversa a multitudine, summa Brundisinorum gratulatione celebrata est. Ante diem sextum. Id Sext. cognovi—litteris Quinti fratris mirifico studio omnium ætatum atque ordinum, incredibili concursu Italiæ, legem comitiis centuriatis esse perlatum. Ad Att. 4. 1.

Omnique me domus eadem optimorum et doctissimorum virorum. Lenii Flacci, et Patris et Fratris ejus lætissima accepisset, quæ proximo anno mœrens receperat, et suo periculo præsidioque defenderat. Pro Sext. 63.

his journey in all haste, and take leave of the Brundisians, who by all the offices of private duty, as well as public decrees, endeavoured to testify their sincere respect for him. The fame of his landing, and progress towards the city, drew infinite multitudes from all parts, to see him as he passed, and congratulate him on his return: so that the whole road was but one continued street from Brundisium to Rome, lined on both sides with crowds of men, women and children; nor was there a præfecture, town, or colony through Italy, which did not decree him statues or public honours, and send a deputation of their principal members to pay him their compliments: that it was rather less than the truth, as Plutarch says, what Cicero himself tells us, that all Italy brought him back upon its shoulders.* "But that "one day," says he, "was worth an immortality; "when on my approach towards the city, the senate "came out to receive me, followed by the whole "body of the citizens; as if Rome itself had left "its foundations, and marched forward to embrace "its preserver."†

As soon as he entered the gates he saw the steps of all the temples, porticos, and even the tops of houses covered with people, who saluted him with an universal acclamation, as he marched forward towards the Capitol, where fresh multitudes were expecting his arrival; yet, in the midst of all this joy, he could not help grieving, he says, within himself, to reflect, that a city so grateful to the defender

* Meus quidem reditus is fuit, ut a Brundisio usque Romam agmen perpetuum totius Italiæ viderem. Neque enim regio fuit ulla, neque præfectura, neque municipium aut colonia, ex qua non publice ad me venerint gratulatum. Quid dicam adventus meos? Quid effusiones e oppidis? Quid concursum ex agris patrum familias cum conjugibus ac liberis? &c. in Pison 22.

Italia cuncta pæne suis humeris reportavit. Post red. in Senec. 15.

Itinere toto Urbes Italiæ festos dies agere adventus mei videbantur. Viæ multitudine legatorum undique missorum celebrabantur. Pro Sext. 63.

† Unus ille dies mihi quidem instar immortalitatis fuit—cum Senatum egressum vidi, populumque Romanum universum, cum mihi ipsa Roma, prope convulsa sedibus suis, ad complectendum conservatorem suum procedere visa est. In Pison. 22.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

of its liberty, had been so miserably enslaved and oppressed.* The Capitol was the proper seat or throne, as it were, of the majesty of the empire; where stood the most magnificent fabric of Rome, the Temple of Jupiter, or of that god whom they styled the Greatest and the Best;† to whose shrine all, who entered the city in pomp or triumph, used always to make their first visit. Cicero, therefore, before he had saluted his wife and family, was obliged to discharge himself here of his vows and thanks for his safe return; where, in compliance with the popular superstition, he paid his devotion also to that tutelary Minerva, whom, at his quitting Rome, he had placed in the temple of her father. From this office of religion he was conducted by the same company, and with the same acclamations, to his brother's house,‡ where this great procession ended: which, from one end of it to the other, was so splendid and triumphant, that he had reason, he says, to fear, lest people should imagine that he, himself, had contrived his late flight, for the sake of so glorious a restoration.‡

SECTION VI.

Cicero's return was, what he himself truly calls it, the beginning of a new life to him;§ which was to be governed by new maxims, and a new kind of

* Iter a porta in Capitolium ascensus, domum reditus erat ejusmodi, ut summa in lætitia illud dolerem, civitatem tam gratam tam miseram atque oppressam fuisse. Pro Sext. 63.

† Quocirca te, Capitoline, quem propter beneficia, populus Romanus optimum, propter vim, Maximum, nominavit. Pro Dom. 57.

‡ Ut tua mihi conscelerata illa vis non modo non propulsanda, sed etiam emenda fuisse videatur. Pro Dom. 28.

§ Alterius vitæ quoddam initium ordimur. [Ad. Att. 4. 1.] In another place he calls his restoration to his former dignity, παλιγγενεσίαν, [Ad. Att. 6. 6.] or a new birth; a word borrowed probably from the Pythagorean school, and applied afterwards by the sacred writers to the renovation of our nature by baptism, as well as our restoration to life after death in the general resurrection. Matt. xix. 29. Tit. iii. 5.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

policy; yet, so as not to forfeit his old character. He had been made to feel in what hands the weight of power lay, and what little dependance was to be placed on the help and support of his aristocratical friends: Pompey had served him on this important occasion very sincerely, and with the concurrence also of Cæsar; so as to make it a point of gratitude, as well as prudence, to be more observant of them than he had hitherto been: the senate, on the other hand, with the magistrates and the honest of all ranks, were zealous in his cause; and the consul Lentulus, above all, seemed to make it the sole end and glory of his administration.* This uncommon consent of opposite parties in promoting his restoration, drew upon him a variety of obligations, which must needs often clash and interfere with each other; and which it was his part still to manage so, as to make them consistent with his honour, his safety, his private and his public duty: these were to be the springs and motives of his new life; the hinges on which his future conduct was to turn; and, to do justice severally to them all, and assign to each its proper weight and measure of influence required his utmost skill and address.†

The day after his arrival, on the fifth of September, the consuls summoned the senate, to give him an opportunity of paying his thanks to them in public, for their late services; where, after a general profession of his obligations to them all, he made his particular acknowledgments to each magistrate by name; to the consuls, the tribunes, the prætors: he addressed himself to the tribunes, before the prætors; not for the dignity of their office, for in that they were inferior, but for their greater autho-

* Hoc specimen virtutis, hoc indicium animi, hoc lumen consulatus sui fore putavit, si me mihi, si meis, si Reipub. reddidisset. Post red. in Sen. 4.

† Sed quia sæpe concurrit, propter aliquorum de me meritorum inter ipsos contentiones, ut eodem tempore in omnes verear ne vix possim gratus videri. Sed ego hoc meis ponderibus examinabo, non solum quid cuique debeam, sed etiam quid cujusque intersit, et quid a me cujusque tempus poscat. Pro Plancio. 32.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

rity in making laws; and, consequently, their greater merit in carrying his law into effect. The number of his private friends was too great to make it possible for him to enumerate or thank them all; so that he confined himself to the magistrates, with exception only to Pompey,* whom, for the eminence of his character, though, at present, only a private man, he took care to distinguish by a personal address and compliment. But as Lentulus was the first in office, and had served him with the greatest affection, so he gives him the first share of his praise; and, in the overflowing of his gratitude, styles him, the parent and the god of his life and fortunes.† The next day he paid his thanks likewise to the people, in a speech from the rostra; where he dwelt chiefly on the same topics which he had used in the senate, celebrating the particular merits and services of his principal friends, especially of Pompey; whom he declares to be the greatest man for virtue, wisdom, and glory, who was then living, or had lived, or ever would live; and that he owed more to him, on this occasion, than it was even lawful, almost, for one man to owe to another.‡

Both these speeches are still extant, and a passage or two from each will illustrate the temper and disposition in which he returned: in speaking to the senate, after a particular recital of the services of his friends, he adds; "as I have a pleasure in enumer-"ating these, so I willingly pass over in silence

* Cum perpaucis nominatim gratias egissem, quod omnes enumerari nullo modo possent, scelus autem esset quemquam præteriri. Ib. 30.

Hodierno autem die nominatim a me magistratibus statui gratias esse agendas, et de privatis uni, qui pro salute mea municipia, colouiasque adiisset.—Post red. in Sen. 12.

† Princeps P. Lentulus, parens ac Deus nostræ vitæ, fortunæ, &c. ib. 4. It was a kind of maxim among the ancients, that to do good to a mortal, was to be a god to a mortal. Deus est mortali, juvare mortalem. [Plin. Hist. 2. 7.] Thus Cicero, as he calls Lentulus here his god, so, on other occasions, gives the same appellation to Plato. Deus ille noster Plato—[Ad Att. 4. 16.] to express the highest sense of the benefits received from them.

‡ Cn. Pompeius, vir omnium qui sunt, fuerunt, erunt, princeps virtute, sapientia, ac gloria. Huic ego homini, Quirites, tantum debeo, quantum hominem homini debere vix fas est. Post red. ad Quir. 7.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

" what others wickedly acted against me: it is not " my present business to remember injuries; which, " if it were in my power to revenge, I should chuse " to forget; my life shall be applied to other pur- " poses; to repay the good offices of those who have " deserved it of me; to hold fast the friendships, " which have been tried, as it were, in the fire: to " wage war with declared enemies; to pardon my " timorous, nor yet expose my treacherous friends; " and to balance the misery of my exile by the dig- " nity of my return."* To the people he observes; that there were four sorts of enemies, who concurred to oppress him: the first, who, out of hatred to the Republic, were mortal enemies to him for having saved it: the second, who, under a false pretence of friendship, infamously betrayed him: the third, who, through their inability to obtain what he had acquired, were envious of his dignity: the fourth, who, though by office they ought to have been the guardians of the Republic, bartered away his safety, the peace of the city, and the dignity of the empire, which were committed to their trust. " I will take " my revenge," says he, " on each of them, agreeably " to the different manner of their provocation; on " the bad citizens, by defending the Republic stre- " nuously; on my perfidious friends, by never trust- " ing them again; on the envious, by continuing my " steady pursuit of virtue and glory; on those mer- " chants of provinces, by calling them home to give " an account of their administration: but I am more " solicitous how to acquit myself of my obligations " to you, for your great services, than to resent the " injuries and cruelties of my enemies: for it is " much easier to revenge an injury than to repay a " kindness, and much less trouble to get the better " of bad men, than to equal the good."†

This affair being happily over, the senate had leisure again to attend to public business; and there

* Post red. in Sen. 9. † Post. red. ad Quir. 9.

A. Urb. 696. Cic. 50. Cost.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

was now a case before them of a very urgent nature, which required a present remedy; an unusual scarcity of corn and provisions in the city, which had been greatly increased by the late concourse of people from all parts of Italy, on Cicero's account, and was now felt very severely by the poorer citizens: they had borne it with much patience, while Cicero's return was in agitation; comforting themselves with a notion, that if he was once restored, plenty would be restored with him; but finding the one, at last, effected without the other, they began to grow clamorous, and unable to endure their hunger any longer.

Clodius could not let slip so fair an opportunity of exciting some new disturbance, and creating fresh trouble to Cicero, by charging the calamity to his score: for this end, he employed a number of young fellows to run all night about the streets, making a lamentable outcry for bread: and calling upon Cicero to relieve them from the famine to which he had reduced them; as if he had got some hidden store, or magazine of corn, secreted from common use.* He sent his mob also to the theatre, in which the prætor Cœcilius, Cicero's particular friend, was exhibiting the Apollinarian shows, where they raised such a terror, that they drove the whole company out of it: then, in the same tumultuous manner, they marched to the Temple of Concord, whither Metellus had summoned the senate; but, happening to meet with Metellus in the way, they presently attacked him with vollies of stones; with some of which they wounded even the consul himself, who, for the greater security, immediately adjourned the senate into the Capitol. They were led on by two desperate ruffians, their usual commanders, M. Lol-

* Qui facultate oblata, ad imperitorum animos incitandos, renovaturum te illa funesta latrocinia ob annonæ causam putavisti. Pro Dom. 5.

Quid? puerorum illa concursatio nocturna? num a te ipso instituta me frumentum flagitabant? Quasi vero ego aut rei frumentariæ præfuissem, aut compressum aliquod frumentum tenerem. Ib. 6.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

lius and M. Sergius; the first of whom had in Clodius's tribunate undertaken the task of killing Pompey; the second had been captain of the guard to Catiline, and was probably of his family:* but Clodius, encouraged by this hopeful beginning, put himself at their head in person, and pursued the senate into the capitol, in order to disturb their debates, and prevent their providing any relief for the present evil; and, above all, to excite the meaner sort to some violence against Cicero. But he soon found, to his great disappointment, that Cicero was too strong in the affections of the city, to be hurt again so soon: for the people themselves saw through his design, and were so provoked at it, that they turned universally against him, and drove him out of the field, with all his mercenaries; when, perceiving that Cicero was not present in the senate, they called out upon him by name, with one voice, and would not be quieted till he came in person to undertake their cause, and propose some expedient for their relief. He had kept his house all that day, and resolved to do so, till he saw the issue of the tumult; but when he understood that Clodius was repulsed, and that his presence was universally required by the consuls, the senate, and the whole people, he came to the senate house, in the midst of their debates, and being presently asked his opinion, proposed, that Pompey should be entreated to undertake the province of restoring plenty to the city; and to enable him to execute it with effect, should be invested with an absolute power over all the public stores and corn-rents of the empire

* Cum homines theatrum primo, deinde ad senatum concurrissent impulsu Clodii. Ad Att. 4. 3.

Concursus est ad templum Concordiæ factus, senatum illuc vocante Metello—qui sunt homines a Q. Metello, in senatu palam nominati, a quibus ille se lapidibus appetitum, etiam percussum esse dixit. Quis est iste Lollius? Qui te tribuno pleb.—Cn. Pompeium interficiendum depoposcit.—Quis est Sergius? armiger Catilinæ, stipator tui corporis, signifer seditionis—his atque hujusmodi ducibus, cum tu in annonæ caritate in consules, in senatum—repentinos impetus comparares. Pro Dom. 5.

A. Urb. 696. Cic. 50. Cos.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

through all the provinces: the motion was readily accepted, and a vote immediately passed, that a law should be prepared for that purpose and offered to the people.* All the consular senators were absent, except Messala and Afranius; they pretended to be afraid of the mob; but the real cause was their unwillingness to concur in granting this commission to Pompey. The consuls carried the decree with them into the rostra, and read it publicly to the people; who, on the mention of Cicero's name, in which it was drawn, gave an universal shout of applause; upon which, at the desire of all the magistrates, Cicero made a speech to them, setting forth the reasons and necessity of the decree, and giving them the comfort of a speedy relief, from the vigilance and authority of Pompey.† The absence, however, of the consular senators, gave a handle to reflect upon the act, as not free and valid, but extorted by fear, and without the intervention of the principal members; but, the very next day, in a fuller house, when all those senators were present, and a motion was made to revoke the decree, it was unanimously rejected;‡ and the consuls were ordered to draw up a law conformable to it, by which the whole administration of the corn and provisions of the repub-

* Ego vero domi me tenui, quamdiu turbulentum tempus fuit—cum servos tuos ad rapinam, ad bonorum cædem paratos—armatos etiam in Capitolium tecum venisse constabat—scio me domi mansisse—posteaquam mihi nunciatum est, populum Romanum in Capitolium—convenisse, ministros autem scelerum tuorum perterritos, partim amissis gladiis, partim ereptis diffugisse; veni non solum sine ullis copiis, ac manu, verum etiam cum paucis amicis. Ib. 5.

Ego denique—a populo Romano universo, qui tum in Capitolium convenerat, cum illo die minus valerem, nominatim in senatum vocabar. Veni exspectatus; multis jam sententiis dictis, rogatus sum sententiam; dixi Reipub. saluberrimam mihi necessariam. Ib. 7.

Factum est S. C. in meam sententiam, ut cum Pompeio ageretur, ut eam rem susciperet, lexque ferretur. Ad Att. 4. 1.

† Cum abessent Consulares, quod tuto se negarent posse sententiam dicere, præter Messalam et Afranium. Ib.

Quo S. C. recitato, cum continuo more hoc insulso et novo plausum, meo nomine recitando dedisset, habui concionem. Ib.

‡ At enim liberum Senatus judicium propter metum non fuit. Pro Dom. 4.

Postridie Senatus frequens, et omnes Consulares nihil Pompeio postulanti negarunt. Ad Att. 4. 1.

Cum omnes adessent, cœptum est referri de inducendo S. C. ab universo Senatu reclamatum est. Pro Dom. 4.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

lic was to be granted to Pompey for five years, with a power of choosing fifteen lieutenants to assist him in it.

This furnished Clodius with fresh matter of abuse upon Cicero; he charged him with ingratitude, and the desertion of the senate, which had always been firm to him, in order to pay his court to a man, who had betrayed him; and that he was so silly, as not to know his own strength and credit in the city, and how able he was to maintain his authority without the help of Pompey.* But Cicero defended himself, by saying, that they must not expect to play the same game upon him, now that he was restored, with which they had ruined him before, by raising jealousies between him and Pompey; that he had smarted for it too severely already, to be caught again in the same trap; that, in decreeing this commission to Pompey, he had discharged both his private obligations to a friend, and his public duty to the state; that those who grudged all extraordinary power to Pompey, must grudge the victories, the triumphs, the accession of dominion and revenue, which their former grants of this sort had procured to the empire; that the success of those shewed what fruit they were to expect from this.†

But what authority soever this law conferred on Pompey, his creatures were not yet satisfied with it; so that Messius, one of the tribunes, proposed another, to give him the additional power of raising what money, fleets, and armies he thought fit; with a greater command through all the provinces, than their proper governors had in each. Cicero's law seemed modest, in comparison of Messius's: Pom-

* Tunc es ille, inquit quo Senatus carere non potuit?—quo restituto, Senatus auctoritatem restitutam putabamus? quam primum adveniens prodidisti. Ib. 2.

Nescit quantum auctoritate valeat, quas res gesserit, qua dignitate sit restitutus. Cur ornat eum a quo desertus est? Ib. 11.

† Desinant homines iisdem machinis sperare me restitutum posse labefactari, quibus antea stantem perculerunt—data merces est erroris mei magna, ut me non solum pigeat stultitiæ meæ, sed etiam pudeat. Ib. 11.

Cn. Pompeio—maxima terra marique bella extra ordinem esse commissa: quarum rerum si quem pœniteat, eum victoriæ populi Romani necesse est pœnitere. Ib. 8.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

pey pretended to be content with the first, whilst all his dependants were pushing for the last: they expected that Cicero would come over to them; but he continued silent, nor would stir a step farther; for his affairs were still in such a state, as obliged him to act with caution, and to manage both the senate and the men of power: the conclusion was that Cicero's law was received by all parties, and Pompey named him for his first lieutenant, declaring that he should consider him as a second self, and act nothing without his advice.* Cicero accepted the employment, on condition that he might be at liberty to use or resign it at pleasure, as he found it convenient to his affairs:† but he soon after quitted it to his brother, and chose to continue in the city, where he had the pleasure to see the end of his law effectually answered; for the credit of Pompey's name immediately reduced the price of victuals in the markets, and his vigour and diligence, in prosecuting the affair, soon established a general plenty.

Cicero was restored to his former dignity, but not to his former fortunes; nor was any satisfaction yet made to him for the ruin of his houses and estates: a full restitution indeed had been decreed, but was reserved to his return; which came now before the senate, to be considered and settled by public authority, where it met still with great obstruction. The chief difficulty was about his Palatine house, which he valued above all the rest, and which Clodius, for that reason, had contrived to alienate, as he hoped, irretrievably; by demolishing the fabric, and dedi-

* Legem Consules conscripserunt—alteram Messius, qua omnis pecuniæ dat potestatem, et adjungit classem et exercitum, et majus imperium in provinciis, quam sit eorum, qui eas obtinent. Illa nostra lex Consularis nunc modesta videtur, hæc Messii non ferenda. Pompeius illam velle se dicit; Familiares hanc. Consulares duce Favonio fremunt, nos tacemus; et eo magis quod de domo nostra nihil adhuc Pontifices responderunt.

Ille legatos quindecim cum postularet, me principem nominavit, et ad omnia me alterum se fore dixit. Ad Att. 4. 1.

† Ego me a Pompeio legari ita sum passus, ut nulla re impedirer, quod ne, si vellem, mihi esset integrum. Ib. 2.

cating a temple upon the area to the goddess Liberty: where, to make his work the more complete, he pulled down also the adjoining portico of Catulus, that he might build it up anew, of the same order with his temple; and by blending the public with private property, and consecrating the whole to religion, might make it impossible to separate or restore any part to Cicero; since a consecration, legally performed, made the thing consecrated unapplicable ever after to any private use.

This portico was built, as has been said, on the spot where Fulvius Flaccus formerly lived, whose house was publicly demolished, for the treason of its master: and it was Clodius's design to join Cicero's to it, under the same denomination; as a perpetual memorial of a disgrace and punishment inflicted by the people.* When he had finished the portico, therefore, and annexed his temple to it, which took up but a small part, scarce a tenth, of Cicero's house, he left the rest of the area void, in order to plant a grove, or walks of pleasure upon it, as had been usual in such cases; where, as it has been observed, he was prosecuting a particular interest, as well as indulging his malice, in obstructing the restitution of it to Cicero.

The affair was to be determined by the college of priests, who were the judges in all cases relating to religion: for the senate could only make a provisional decree, that if the priests discharged the ground from the service of religion, then the consuls should take an estimate of the damage, and make a contract for rebuilding the whole at the public charge, so as to restore it to Cicero in the condition in which he left it.† The priests, therefore, of all orders, were called together on the last of

* Ut domus M. Tullii Ciceronis cum domo Fulvii Flacci ad memoriam pœnæ publice constitutæ conjuncta esse videatur. Pro Dom. 38.

† Qui si sustulerint religionem, aream præclaram habebitaus superficiem Consules ex S. C. æstimabunt. Ad Att. 4. 1.

September, to hear this cause, which Cicero pleaded in person before them: they were men of the first dignity and families in the republic; and there never was, as Cicero tells us, so full an appearance of them in any cause, since the foundation of the city: he reckons up nineteen by name: a great part of whom were of consular rank.* His first care, before he entered into the merits of the question, was to remove the prejudices, which his enemies had been labouring to instil, on the account of his late conduct in favour of Pompey, by explaining the motives, and shewing the necessity of it; contriving, at the same time, to turn the odium on the other side, by running over the history of Clodius's tribunate, and painting all its violences in the most lively colours; but the question on which the cause singly turned, was about the efficacy of the pretended consecration of the house, and the dedication of the temple: to shew the nullity, the re-fore, of this act, he endeavours to overthrow the very foundation of it, and prove Clodius's tribunate to be originally null and void, from the invalidity of his adoption, on which it was entirely grounded: he shews, that the sole end of adoption, which the law acknowledged, was to supply the want of children, by borrowing them, as it were, from other families; that it was an essential condition of it, that he who adopted had no children of his own, nor was in condition to have any: that the parties concerned were obliged to appear before the priests, to signify their consent, the cause of the adoption, the circumstances of the families interested in it, and the nature of their religious rites; that the priests might judge of the whole, and see that there was no fraud or deceit in it, nor any dishonour to any family or person concerned: that

* Nego unquam post sacra constituta, quorum eadem est antiquitas, quæ ipsius urbis, ulla de re, ne de capite quidem Virginum Vestalium, tam frequens collegium judicasse. De Harusp. resp. 6, 7.

nothing of all this had been observed in the case of Clodius: that the adopter was not full twenty years old, when he adopted a senator, who was old enough to be his father: that he had no occasion to adopt, since he had a wife and children, and would probably have more, which he must necessarily disinherit by this adoption, if it was real: that Clodius had no other view than, by the pretence of an adoption, to make himself a plebeian and tribune, in order to overturn the state: that the act itself, which confirmed the adoption, was null and illegal, being transacted while Bibulus was observing the auspices, which was contrary to express law, and huddled over in three hours by Cæsar, when it ought to have been published for three market days, successively, at the interval of nine days each:* that if the adoption was irregular and illegal, as it certainly was, the tribunate must needs be so too, which was entirely built upon it: but granting the tribunate, after all, to be valid, because some eminent men would have it so, yet the act, made afterwards, for his banishment, could not possibly be considered as a law, but as a privilege only, made against a particular person; which the sacred laws, and the laws of the twelve tables, had utterly prohibited: that it was contrary to the very constitution of the republic, to punish any citizen, either in body or goods, till he had been accused in proper form, and condemned of some crime, by competent judges: that privileges, or laws to inflict penalties on single persons, by name, without a legal trial, were cruel and pernicious, and nothing better than proscriptions, and of all things not to be endured in their city.† Then, in entering upon the question of his house, he declares, that the whole effect of his restoration depended upon it;

* Pro Dom. 13, 14, 15, 16.

† Ib. 17. in privos homines leges ferri noluerunt; id est enim privilegium: quo quid est injustius? De Leg. 3. 19.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

that if it was not given back to him, but suffered to remain a monument of triumph to his enemy, of grief and calamity to himself, he could not consider it as a restoration, but a perpetual punishment: that his house stood in the view of the whole people; and, if it must continue in its present state, he should be forced to remove to some other place, and could never endure to live in that city, in which he must always see trophies erected both against himself and the republic: "the house of Sp. Me-"lius," says he, "who affected a tyranny, was le-"velled: and, by the name of Æquimelium given "to the place, the people confirmed the equity of "his punishment: the house of Sp. Cassius was "overturned, also, for the same cause, and a temple "raised upon it to Tellus: M. Vaccus's house was "confiscated and levelled; and to perpetuate the "memory of his treason, the place is still called "Vaccus's meadows: M. Manlius, likewise, after "he had repulsed the Gauls from the capitol, not "content with the glory of that service, was ad-"judged to aim at dominion; so that his house was "demolished, where you now see the two groves "planted: must I, therefore, suffer that punishment, "which our ancestors inflicted as the greatest, on "wicked and traitorous citizens, that posterity may "consider me, not as the oppressor, but the author and "captain of the conspiracy?"* When he comes to speak to the dedication itself, he observes, that the goddess Liberty, to which the temple was dedicated, was the known statue of a celebrated strumpet, which Appius brought from Greece for the ornament of his ædileship: and, upon dropping the thoughts of that magistracy, gave to his brother Clodius, to be advanced into a deity:† that the ceremony was performed without any license or judgment obtained from the college of priests, by the single ministry of a raw young man, the brother-

* Pro Dom. 37, 38. † Ib. 43.

in-law of Clodius, who had been made priest but a few days before; a mere novice in his business, and forced into the service:* but if all had been transacted regularly, and in due form, that it could not possibly have any force, as being contrary to the standing laws of the republic: for there was an old tribunician law made by Q. Papirius, which prohibited the consecration of houses, lands, or altars, without the express command of the people; which was not obtained, nor even pretended, in the present case:† that great regard had always been paid to this law, in several instances of the gravest kind: that Q. Marcius, the censor, erected a statue of Concord in a public part of the city, which C. Cassius afterwards, when censor, removed into the senate-house, and consulted the college of priests, whether he might not dedicate the statue and the house also itself to Concord: upon which M. Æmilius, the high-priest, gave answer, in the name of the college, that unless the people had deputed him by name, and he acted in it by their authority, they were of opinion, that he could not rightly dedicate them:‡ that Licinia, also, a vestal virgin, dedicated an altar and little temple under the sacred rock; upon which S. Julius, the prætor, by order of the senate, consulted the college of priests; for whom P. Scævola, the high-priest, gave answer, that what Licinia had dedicated in a public place, without any order of the people, would not be considered as sacred: so that the senate enjoined the prætor to see it desecrated, and to efface whatever had been inscribed upon it: after all this, it was to no purpose, he tells them, to mention what he had proposed to speak to in the last place, that the dedication was not performed with any of the solemn words and rites which such a function required; but by the ignorant young man before mentioned, without the help of his colleagues, his books, or any

* Pro Dom. 45. † Ib. 49. ‡ Ib. 51. 53.

to prompt him: especially when Clodius, who directed him, that impure enemy of all religion, who often acted the woman among men, as well as the man among women, huddled over the whole ceremony in a blundering, precipitate manner, faultering and confounded in mind, voice, and speech; often recalling himself, doubting, fearing, hesitating, and performing every thing quite contrary to what the sacred books prescribed: "nor is it strange," says he, "that, in an act so mad and villanous, his "audaciousness could not get the better of his fears: "for what pirate, though ever so barbarous, after "he had been plundering temples, when, pricked "by a dream or scruple of religion, he came to con-"secrate some altar on a desert shore, was not ter-"rified in his mind, on being forced to appease that "deity by his prayers, whom he had provoked by "his sacrilege? In what horrors, then, think you, "must this man needs be, the plunderer of all tem-"ples, houses, and the whole city; when, for the "expiation of so many impieties, he was wickedly "consecrating one single altar?"* Then, after a solemn invocation and appeal to all the gods, who peculiarly favoured and protected that city, to bear witness to the integrity of his zeal and love to the republic, and that in all his labours and struggles, he had constantly preferred the public benefit to his own, he commits the justice of his cause to the judgment of the venerable bench.

He was particularly pleased with the composition of this speech, which he published immediately; and says upon it, that if ever he made any figure in speaking, his indignation and the sense of his injuries, had inspired him with new force and spirit in this cause.† The sentence of the priests turned wholly on what Cicero had alleged about the force

* Pro Dom. 54, 55.

† Acta res est accurate a nobis: et si unquam in dicendo fuimus aliquid, aut etiam si unquam alias fuimus, tum profecto dolor et magnitudo vim quandam nobis dicendi dedit. Itaque oratio juventuti nostræ deberi non potest. Ad Att. 4. 2.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

of the Papirian law, viz. that if he, who performed the office of consecration, had not been specially authorized, and personally appointed to it, by the people, then the area in question might, without any scruple of religion, be restored to Cicero. This, though it seemed somewhat evasive, was sufficient for Cicero's purpose; and his friends congratulated him upon it, as upon a clear victory; while Clodius interpreted it still in favour of himself; and, being produced into the rostra, by his brother Appius, acquainted the people, that the priests had given judgment for him, but that Cicero was preparing to recover possession by force, and exhorted them, therefore, to follow him and Appius in the defence of their liberties. But his speech made no impression on the audience: some wondered at his impudence, others laughed at his folly; and Cicero resolved not to trouble himself, or the people, about it, till the consuls, by a decree of the senate, had contracted for rebuilding the portico of Catulus.*

The senate met the next day, in a full house, to put an end to this affair; when Marcellinus, one of the consuls elect, being called upon to speak first, addressed himself to the priests, and desired them to give an account of the grounds and meaning of their sentence: upon which Lucullus, in the name of the rest, declared that the priests were indeed the judges of religion, but the senate of the law; that they therefore had determined only what related to the point of religion, and left it to the senate to determine, whether any obstacle remained in point of law. All the other priests spoke largely after him in favour of Cicero's cause. When Clodius

* Cùm pontifices decressent, ita, si neque populi jussu, neque plebis scitu, is qui se dedicasse diceret, nominatim ei rei præfectus esset; neque populi jussu, neque plebis scitu id facere jussus esset, videri posse sine religione eam partem areæ mihi restitui. Mihi facta statim, est gratulatio: nemo enim dubitat, quin domus nobis esset adjudicata. Tum subito ille in concionem ascendit, quam Appius ei dedit: nunciat jam populo, pontifices secundum se decrevisse; me autem vi conari in possessionem venire: hortatur, ut se et Appium sequantur, et suam libertatem ut defendant. Hic cum etiam illi infimi partim admirarentur, partim irriderent hominis amentiam. Ad Att. 4. 2.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

rose afterwards to speak, he endeavoured to waste the time so, as to hinder their coming to any resolution that day; but, after he had been speaking for three hours successively, the assembly grew so impatient, and made such a noise and hissing, that he was forced to give over: yet, when they were going to pass a decree, in the words of Marcellinus, Serranus put his negative upon it. This raised an universal indignation, and a fresh debate began, at the motion of the two consuls, on the merit of the tribune's intercession; when, after many warm speeches, they came to the following vote: "That "it was the resolution of the senate, that Cicero's "house should be restored to him, and Catulus's "portico rebuilt, as it had been before; and that "this vote should be defended by all the magis-"trates; and, if any violence or obstruction was "offered to it, that the senate would look upon it "as offered by him who had interposed his negative." This staggered Serranus, and the late farce was played over again; his father threw himself at his feet, to beg him to desist; he desired a night's time, which at first was refused, but, on Cicero's request, granted; and the next day he revoked his negative, and, without farther opposition, suffered the senate to pass a decree, that Cicero's damage should be made good to him, and his houses rebuilt at the public charge.*

The consuls began presently to put the decree into execution; and, having contracted for the rebuilding Catulus's portico, set men to work upon clearing the ground, and demolishing what had been built by Clodius: but, as to Cicero's buildings, it was agreed to take an estimate of his damage, and pay the amount of it to himself, to be laid out according to his own fancy: in which his Palatine house was valued at sixteen thousand pounds; his Tusculan at four thousand; his Formian only at two thousand. This was a very deficient and shameful

* Ib.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

valuation, which all the world cried out upon; for the Palatine house had cost him, not long before, near twice that sum: but Cicero would not give himself any trouble about it, or make any exceptions, which gave the consuls a handle to throw the blame upon his own modesty, for not remonstrating against it, and seeming to be satisfied with what was awarded; but the true reason was, as he himself declares, that those who had clipped his wings, had no mind to let them grow again; and, though they had been his advocates, when absent, began now to be secretly angry, and openly envious of him, when present.*

But as he was never covetous, this affair gave him no great uneasiness; though, through the late ruin of his fortunes, he was now in such want of money, that he resolved to expose his Tusculan villa to sale; but soon changed his mind, and built it up again, with much more magnificence than before; and, for the beauty of its situation and neighbourhood to the city, took more pleasure in it ever after, than in any other of his country seats. But he had some domestic grievances about this time, which touched him more nearly, and which, as he signifies obscurely to Atticus, were of too delicate a nature to be explained by a letter:† they arose chiefly from the petulant humour of his wife, which began to give him frequent occasions of chagrin; and, by a series of repeated provocations, confirmed in him that settled disgust, which ended at last in a divorce.

As he was now restored to the possession both of his dignity and fortunes, so he was desirous to destroy all the public monuments of his late disgrace; nor to suffer the law of his exile to remain,

* Nobis superficiem ædium consules de consilii sententia æstimarunt H-S vicies; cætera valde illiberaliter; Tusculanam villam quingentis millibus; Formianum ducentis quinquaginta millibus; quæ æstimatio non modo ab optimo quoque sed etiam a plebe reprehenditur. Dices, quid igitur causæ fuit? Dicunt illi quidem pudorem meum, quod neque negarim, neque vehementius postularim. Sed non est id; nam hoc quidem etiam profuisset. Verum iidem, mi Pomponi, iidem inquam illi, qui mihi pennas inciderunt, nolunt easdem renasci. Ib.

† Tusculanum proscripsi: suburbano non facile careo.—Cætera, quæ me solicitant, μυστικώτερα sunt. Amamur a fratre et filia. Ib.

with the other acts of Clodius's tribunate, hanging up in the capitol, engraved, as usual, on tables of brass: watching, therefore, the opportunity of Clodius's absence, he went to the capitol, with a strong body of his friends, and taking the tables down, conveyed them to his own house. This occasioned a sharp contest in the senate, between him and Clodius, about the validity of those acts, and drew Cato also into the debate; who, for the sake of his Cyprian commission, thought himself obliged to defend their legality against Cicero; which created some little coldness between them, and gave no small pleasure to the common enemies of them both.†

But Cicero's chief concern at present was, how to support his former authority in the city, and provide for his future safety, as well against the malice of declared enemies, as the envy of pretended friends, which he perceived to be growing up afresh against him; he had thoughts of putting in for the censorship; or of procuring one of those honorary lieutenancies, which gave a public character to private senators; with intent to make a progress through Italy, or a kind of religious pilgrimage to all the temples, groves, and sacred places, on pretence of a vow, made in his exile. This would give him an opportunity of shewing himself every where in a light, which naturally attracts the attention of the multitude, by testifying a pious regard to the favourite superstitions and local religions of the country; as the great, in the same country, still pay their court to the vulgar, by visiting the shrines and altars of the saints, which are most in vogue: he mentions these projects to Atticus, as designed to be executed in the spring, resolving, in the meanwhile, to cherish the good inclination of the people towards him, by keeping himself perpetually in the view of the city.†

Catulus's portico and Cicero's house were rising again apace, and carried up almost to the roof;

† Plut. in Cic. Dio, p. 160.

A. Urb. 696. Cic. 50. Coss.—P. Corn. Lentul. Spinther. Q. Cæc. Metel. Nepos.

when Clodius, without any warning, attacked them, on the second of November, with a band of armed men, who demolished the portico, and drove the workmen out of Cicero's ground, and with the stones and rubbish of the place began to batter Quintus's house, with whom Cicero then lived, and, at last set fire to it; so that the two brothers, with their families, were forced to save themselves by a hasty flight. Milo had already accused Clodius for his former violences, and resolved, if possible, to bring him to justice: Clodius, on the other hand, was suing for the ædileship, to secure himself, for one year more, at least, from any prosecution; he was sure of being condemned, if ever he was brought to trial, so that whatever mischief he did in the mean time was all clear gain, and could not make his cause the worse;* he now therefore gave a free course to his natural fury; was perpetually scouring the streets with his incendiaries, and threatening fire and sword to the city itself, if an assembly was not called for the election of ædiles. In this humour, about a week after his last outrage, on the eleventh of November, happening to meet with Cicero, in the sacred street, he presently assaulted him with stones, clubs, and drawn swords: Cicero was not prepared for the encounter, and took refuge in the vestibule of the next house; where his attendants, rallying in his defence, beat off the assailants, and could easily have killed their leader, but that Cicero was willing, he says, to cure by diet, rather than surgery. The day following, Clodius attacked Milo's house, with sword in hand, and lighted flambeaus, with intent to storm and burn it: but Milo

* Ut nulla re impedirer, quod nisi vellem, mihi esset integrum, aut si comitia censorum proximi consules haberent, petere posse, aut votivam legationem sumsisse prope omnium fanorum, lucorum. Ad Att. 4. 2.

† Armatis hominibus ante diem III. Non. Novemb. expulsi sunt fabri de area nostra, disturbata porticus Catuli—Quæ ad tectum pæne pervenerat. Quinti fratris domus primo fracta conjectu lapidum, ex area nostra, deinde jussu Clodii inflammata, inspectante urbe, conjectis ignibus.—Videt, si omnes quos vult palam, occiderit, nihilo suam causam difficiliorem, quam adhuc sit, in judicio futuram. Ad Att. 4. 3.

was never unprovided for him; and Q. Flaccus, sallying out with a strong band of stout fellows, killed several of his men, and would have killed Clodius too, if he had not hid himself in the inner apartments of P. Sylla's house, which he made use of, on this occasion, as his fortress.*

The senate met, on the fourteenth, to take these disorders into consideration; Clodius did not think fit to appear there; but Sylla came, to clear himself, probably, from the suspicion of encouraging him in these violences, on account of the freedom which he had taken with his house.† Many severe speeches were made, and vigorous councils proposed. Marcellinus's opinion was, that Clodius should be impeached anew for these last outrages; and that no election of ædiles should be suffered, till he was brought to a trial: Milo declared, that as long as he continued in office, the consul Metullus should make no election; for he would take the auspices every day, on which an assembly could be held; but Metullus contrived to waste the day in speaking, so that they were forced to break up without making any decree. Milo was as good as his word, and, having gathered a superior force, took care to obstruct the election; though the consul Metullus employed all his power and art to elude his vigilance, and procure an assembly by stratagem; calling it to one place, and holding it in another, sometimes in the field of Mars, sometimes in the Forum; but Milo was ever beforehand with him; and, keeping a constant guard in the field from midnight to noon, was always at hand to inhibit his proceedings, by obnouncing, as it was called, or declaring, that he was taking the auspices on that day; so that the

* Ante diem tertium Id. Novemb. cum sacra via descenderem, insecutus est me cum suis. Clamor, lapides, fustes, gladii; hæc improvisa omnia. Discessimus in vestibulum Tertii Damionis; qui erant mecum facile operas aditu prohibuerunt. Ipse occidi potuit: sed ego diæta curare incipio, chirurgiæ tædet.—Milonis domum prid. id expugnare et incendere ita conatus est, ut palam hora quinta cum scutis homines, eductis gladiis, alios cum accensis facibus adduxerit. Ipse domum P. Syllæ pro castris ad eam impugnationem sumpserat, &c. Ad Att. 4. 3.

† Sylla se in senatu postridie Idus, domi Clodius. Ib.

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three brothers were baffled and disappointed, though they were perpetually haranguing and labouring to inflame the people against those, who interrupted their assemblies and right of electing; where Metellus's speeches were turbulent, Appius's rash, Clodius's furious. Cicero, who gives this account to Atticus, was of opinion, that there would be no election; and that Clodius would be brought to trial, if he was not first killed by Milo, which was likely to be his fate: "Milo," says he, "makes no scruple "to own it; being not deterred by my misfortune, "and having no envious or perfidious counsellors "about him, nor any lazy nobles to discourage him: "it is commonly given out, by the other side, that "what he does, is all done by my advice; but they "little know, how much conduct, as well as courage, "there is in this hero."*

Young Lentulus, the son of the consul, was, by the interest of his father, and the recommendation of his noble birth, chosen into the college of augurs this summer, though not yet seventeen years old; having but just changed his puerile for the manly gown:† Cicero was invited to the inauguration feast, where, by eating too freely of some vegetables, which happened to please his palate, he was seized with a violent pain of the bowels, and diarrhœa; of

* Egregius Marcellinus, omnes acres; Metellus calumnia dicendi tempus eximit: conciones turbulentæ Metelli, temerariæ Appii, furiosissimæ Clodii; hæc tamen summa, nisi Milo in campum obnunciasset, comitia, futura.—Comitia fore non arbitror; reum Publium, nisi ante occisus erit, fore a Milone puto. Si se inter viam obtulerit, occisum iri ab ipso Milone video. Non dubitat facere; præ se fert; casum illum nostrum non extimescit, &c.

Meo consilio omnia illi fieri querebantur, ignari quantum in illo hetoc esset animi, quantum etiam consilii. Ad Att. 4. 3.

N. B. From these facts, it appears, that what is said above, of Clodius's repealing the Ælian and Fusian laws, and prohibiting the magistrates from obstructing the assemblies of the people, is to be understood only in a partial sense, and that his new law extended no farther, than to hinder the magistrates from dissolving an assembly, after it was actually convened, and had entered upon business: for it was still unlawful, we see, to convene an assembly, while the magistrate was in the act of observing the heavens.

† Cui superior annus idem et virilem patris et prætextam populi judicio togam dederit.—*Pro Sext. 69. it. Dio. l. 39. p. 99.*

which he sends the following account to his friend Gallus.—

"CICERO TO GALLUS.

"AFTER I had been labouring for ten days, with a "cruel disorder in my bowels, yet could not con- "vince those, who wanted me at the bar, that I was "ill, because I had no fever, I ran away to Tusculum: "having kept so strict a fast for two days before, "that I did not taste so much as water: being worn "out; therefore, with illness and fasting, I wanted "rather to see you, than imagined that you expected "a visit from me: for my part, I am afraid, I con- "fess, of all distempers; but especially of those, for "which the Stoics abuse your Epicurus, when he "complains of the strangury and dysentery; the one "of which they take to be the effect of gluttony, the "other of a more scandalous intemperance. I was "apprehensive, indeed, of a dysentery, but seem to "have found benefit, either from the change of air, "or the relaxation of my mind, or the remission of "the disease itself: but, that you may not be sur- "prised, how this should happen, and what I have "been doing to bring it upon me; the sumptuary "law, which seems to introduce a simplicity of diet, "did me all this mischief. For since our men of "taste are grown so fond of covering their tables "with the productions of the earth, which are ex- "cepted by the law, they have found a way of dress- "ing mushrooms, and all other vegetables, so pala- "tably, that nothing can be more delicious: I hap- "pened to fall upon these at Lentulus's augural sup- "per, and was taken with so violent a flux, that this "is the first day on which it has begun to give me "any ease. Thus I, who used to command myself "so easily in oysters and lampreys, was caught with "bete and mallows; but I shall be more cautious "for the future: you, however, who must have heard "of my illness from Anicius, for he saw me in a fit

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"of vomiting, had a just reason, not only for sending, "but for coming yourself to see me. I think to stay "here till I recruit myself, for I have lost both my "strength and my flesh; but, if I once get rid of my "distemper, it will be easy, I hope, to recover the "rest."*

King Ptolemy left Rome about this time, after he had distributed immense sums among the great, to purchase his restoration by a Roman army. The people of Ægypt had sent deputies also after him, to plead their cause before the senate, and to explain the reasons of their expelling him; but the king contrived to get them all assassinated on the road, before they reached the city. This piece of villany, and the notion of his having bribed all the magistrates, had raised so general an aversion to him, among the people, that he found it advisable to quit the city, and leave the management of his interest to his agents. The consul Lentulus, who had obtained the province of Cilicia and Cyprus, whither he was preparing to set forward, was very desirous to be charged with the commission of replacing him on his throne; for which he had already procured the vote of the senate: the opportunity of a command, almost in sight of Ægypt, made him generally thought to have the best pretensions to that charge, and he was assured of Cicero's warm assistance, in soliciting the confirmation of it.

In this situation of affairs, the new tribunes entered into office; C. Cato, of the same family with his namesake Marcus, was one of the number; a bold, turbulent man, of no temper or prudence, yet

* Ep. Fam. 7. 26.

N. B. Pliny says, that the *colum*, by which he is supposed to mean the cholic, was not known at Rome till the reign of Tiberius; but the case described in this letter, seems to come so very near it, that he must be understood, rather of the name than of the thing; as the learned Dr. Le Clerc has observed in his History of Medicine.—Plin. l. 26. 1. Le Clerc. Hist. par. 2. l. 4. sect. 2. c. 4.

The mention likewise of the δυσεντικὰ πάθη, or the strangury of Epicurus, and the censure which the Stoics passed upon it, would make one apt to suspect, that some disorders of a venereal kind were not unknown to the ancients.

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a tolerable speaker, and generally on the better side in politics. Before he had borne any public office, he attempted to impeach Gabinius of bribery and corruption; but not being able to get an audience of the prætors, he had the hardiness to mount the rostra, which was never allowed to a private citizen, and, in a speech to the people, declared Pompey dictator: but his presumption had like to have cost him dear; for it raised such an indignation in the audience, that he had much difficulty to escape with his life.* He opened his present magistracy, by declaring loudly against king Ptolemy, and all who favoured him; especially Lentulus, whom he supposed to be under some private engagement with him, and, for that reason, was determined to baffle all their schemes.

Lupus, likewise, one of his colleagues, summoned the senate, and raised an expectation of some uncommon proposal from him: it was indeed of an extraordinary nature;—to revise and annul that famed act of Cæsar's consulship, for the division of the Campanian lands: he spoke long and well upon it, and was heard with much attention; gave great praises to Cicero, with severe reflections on Cæsar, and expostulations with Pompey, who was now abroad, in the execution of his late commission. In the conclusion he told them, that he would not demand the opinions of the particular senators, because he had no mind to expose them to the resentment and animosity of any; but from the ill humour, which he remembered, when that act first passed, and the favour with which he was now heard, he could easily collect the sense of the house. Upon which Marcellinus said, that he must not conclude from their silence, either what they liked or disliked: that for his own part, and he might answer

* Ut Cato, adolescens nullius consilii,—vix vivus effugeret; quod cum Gabinium de ambitu vellet postulare, neque prætores diebus aliquot adiri possent, vel potestatem sui facerent, in concionem adscendit, et Pompeium privatus dictatorem appellavit. Propius nihil est factum, quam ut occideretur. Ep. ad Quint. Frat. 1. 2.

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too, he believed, for the rest, he chose to say nothing on the subject at present, because he thought that the cause of the Campanian lands ought not to be brought upon the stage in Pompey's absence.

This affair being dropped, Racilius, another tribune, rose up and renewed the debate about Milo's impeachment of Clodius, and called upon Marcellinus, the consul elect, to give his opinion upon it; who, after inveighing against all the violences of Clodius, proposed, that, in the first place, an allotment of judges should be made for the trial; and after that, the election of ædiles; and if any one attempted to hinder the trial, that he should be deemed a public enemy. The other consul elect, Philippus, was of the same mind; but the tribunes, Cato and Cassius, spoke against it, and were for proceeding to an election before any step towards a trial. When Cicero was called upon to speak, he run through the whole series of Clodius's extravagances, as if he had been accusing him already at the bar, to the great satisfaction of the assembly: Antistius, the tribune, seconded him, and declared, that no business should be done before the trial; and when the house was going universally into that opinion, Clodius began to speak, with intent to waste the rest of the day, while his slaves and followers without, who had seized the steps and avenues of the senate, raised so great a noise of a sudden, in abusing some of Milo's friends, that the senate broke up in no small hurry, and with fresh indignation, at this new insult.*

There was no more business done through the remaining part of December, which was taken up, chiefly, with holy-days. Lentulus and Metellus, whose consulship expired with the year, set forward for their several governments; the one for Cilicia,

* Tum Clodius rogatus diem dicendo eximere cœpit—deinde ejus operæ repente a Græcostasi et gradibus clamorem satis magnum sustulerunt, opinor in Q. Sextilium et amicos Milonis incitatæ; eo metu injecto repente magna querimonia omnium discessimus. Ad Quint. Fr. 2. 1.

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the other for Spain: Lentulus committed the whole direction of his affairs to Cicero; and Metellus, unwilling to leave him his enemy, made up all matters with him before his departure, and wrote an affectionate letter to him afterwards from Spain, in which he acknowledges his services, and intimates, that he had given up his brother Clodius, in exchange for his friendship.*

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

CICERO's first concern, on the opening of the new year, was to get the commission, for restoring king Ptolemy, confirmed to Lentulus; which came now under deliberation: the tribune Cato was fierce against restoring him at all, with the greatest part of the senate on his side; when taking occasion to consult the Sibylline books, on the subject of some late prodigies, he chanced to find in them certain verses, forewarning the Roman people not to replace an exiled king of Egypt with an army. This was so pat to his purpose, that there could be no doubt of its being forged; but Cato called up the guardians of the books into the rostra, to testify the passage to be genuine; where it was publicly read and explained to the people: it was laid also before the senate, who greedily received it; and, after a grave debate on this scruple of religion, came to a resolution, that it seemed dangerous to the republic, that the king should be restored by a multitude.† It cannot be imagined, that they laid any real stress on this admonition of the Sibyl, for there was not a man either in or out of the house, who did not take it for a fiction: but it was a fair pretext for defeating a project, which was generally disliked: they were unwilling to gratify any man's ambition, of

* Libenterque commutata persona, te mihi fratris loco esse duco. Ep. Fam. 5. 2.

† Senatus religionis calumniam, non religione, sed malevolentia, et illius regiæ largitionis invidia comprobat.—Ep. Fam. 1. 1.

De Rege Alexandrino factum est S. C. cum multitudine eum reduci, periculosum Reipub videri.—Ad Quint. Fr. 2. 2.

A. Urb. 697. Cic. 51. Cos.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

visiting the rich country of Egypt, at the head of an army; and persuaded, that without an army no man would be solicitous about going thither at all.*

This point being settled, the next question was, in what manner the king should be restored: various opinions were proposed; Crassus moved, that three ambassadors, chosen from those who had some public command, should be sent on the errand; which did not exclude Pompey: Bibulus proposed that three private senators, and Volcatius, that Pompey alone should be charged with it: but Cicero, Hortensius, and Lucullus urged, that Lentulus, to whom the senate had already decreed it, and who could execute it with most convenience, should restore him without an army. The two first opinions were soon overruled, and the struggle lay between Lentulus and Pompey. Cicero, though he had some reason to complain of Lentulus, since his return, particularly for the contemptible valuation of his houses, yet for the great part which he had borne, in restoring him, was very desirous to shew his gratitude, and resolved to support him with all his authority. Pompey, who had obligations also to Lentulus, acted the same part towards him, which he had done before towards Cicero. By his own conduct and professions, he seemed to have Lentulus's interest at heart; yet, by the conduct of all his friends, seemed desirous to procure the employment for himself; while the king's agents and creditors, fancying that their business would be served the most effectually by Pompey, began openly to solicit, and even to bribe for him.† But the

* Hæc tamen opinio est populi Romani, a tuis invidis atque obtrectatoribus nomen inductum fictæ religionis, non tam ut te impedirent, quam ut nequis, propter exercitus cupiditatem, Alexandriam vellet ire. Ep. Fam. 1. 4.

† Crassus tres legatos decernit, nec excludit Pompeium: censet enim etiam ex iis, qui cum imperio sunt. M. Bibulus tres legatos ex iis, qui privati sunt. Huic assentiuntur reliqui consulares, præter Servilium, qui omnino reduci negat oportere, et Volcatium qui decernit Pompeio.

Hortensii et mea et Luculli sententia—Ex illo S. C. quod te referente factum est, tibi decernit, ut reducas regem.

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus

senate, through Cicero's influence, stood generally inclined to Lentulus; and after a debate, which ended in his favour, Cicero, who had been the manager of it, happening to sup with Pompey that evening, took occasion to press him, with much freedom, not to suffer his name to be used in this competition, nor give a handle to his enemies, for reproaching him with the desertion of a friend, as well as an ambition of engrossing all power to himself. Pompey seemed touched with the remonstrance, and professed to have no other thought, but of serving Lentulus, while his dependents still acted so, as to convince every body that he could not be sincere.*

When Lentulus's pretensions seemed to be in a hopeful way, C. Cato took a new and effectual method to disappoint them, by proposing a law to the people, for taking away his government, and recalling him home. This stroke surprised every body; the senate condemned it as factious; and Lentulus's son changed his habit upon it, in order to move the citizens, and hinder their offering such an affront to his father. The tribune, Caninius, proposed another law, at the same time, for sending Pompey to Egypt: but this pleased no better than the other; and the consuls contrived, that neither of them should be brought to the suffrage of the people.† These new contests gave a fresh in-

Regis causâ si qui sunt qui velint, qui pauci sunt, omnes rem ad Pompeium deferri volunt. Ep. Fam. 1. 1.

Reliqua cum esset in Senatu contentio, Lentulusne an Pompeius reduceret, obtinere causam Lentulus videbatur. In ea re Pompeius quid velit non despicio: familiares ejus quid cupiant, omnes vident. Creditores vero Regis aperte pecunias suppeditant contra Lentulum. Sine dubio res remota a Lentulo videtur, cum magno meo dolore: quamquam multa fecit, quare si fas esset, jure ei succensere possemus. Ad Quin. Fr. 2. 2.

* Ego eo die casu apud Pompeium cænavi: nactusque tempus hoc magis idoneum, quam unquam antea post tuum discessum, is enim dies honestissimus nobis fuerat in Senatu, ita sum cum illo locutus, ut mihi viderer animum hominis ab omni alia cogitatione ad tuam dignitatem tuendam traducere: quem ego ipsum cum audio, prorsus cum libero omni suspicione cupiditatis: cum autem ejus familiares, omnium ordinum video, perspicio, id quod jam omnibus est apertum, totam rem istam jampridem a certis hominibus, non invito Rege ipso.—Esse corruptam. Ep. Fam. 1. 2.

† Nos cum maxime consilio, studio, labore, gratia, de causa regia niteremur,

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

terruption to Ptolemy's cause; in which Cicero's resolution was, if the commission could not be obtained for Lentulus, to prevent its being granted at least to Pompey, and save themselves the disgrace of being baffled by a competitor;* but the senate was grown so sick of the whole affair, that they resolved to leave the king to shift for himself, without interposing at all in his restoration; and so the matter hung; whilst other affairs, more interesting, were daily rising up at home, and engaging the attention of the city.

The election of ædiles, which had been industriously postponed through all the last summer, could not easily be kept off any longer: the city was impatient for its magistrates; and especially for the plays and shows with which they used to entertain them; and several also of the new tribunes being zealous for an election, it was held, at last, on the twentieth of January, when Clodius was chosen ædile, without any opposition; so that Cicero began once more to put himself upon his guard, from the certain expectation of a furious ædileship.†

It may justly seem strange, how a man, so profligate and criminal as Clodius, whose life was a perpetual insult on all laws, Divine and human, should be suffered not only to live without punishment, but to obtain all the honours of a free city in their proper course; and it would be natural to suspect, that we had been deceived in our accounts of him, by taking them from his enemies, did we not find them too firmly supported by facts

subito extorta est nefaria Catonis promulgatio, quæ studia nostra impediret, et animos a minore cura ad summum timorem traduceret. Ib. 5.

Suspicor per vim rogationem Caninium perlaturum. Ad Quint. 2. 2.

* Sed vereor ne aut eripiatur nobis causa regia, aut deseratur. Sed si res coget, est quiddam tertium, quod non—mihi displicebat; ut neque jacere Regem pateremur, nec nobis repugnantibus, ad eum deferri, ad quem prope jam delatum videtur. Ne, si quid non obtinuerimus, repulsi esse videamur. Ep. Fam. 1. 5.

† Sed omnia fiunt tardiora propter furiosæ ædilitatis expectationem. Ad Quint. 2. 2.

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

to be called in question; but a little attention to the particular character of the man, as well as of the times in which he lived, will enable us to solve the difficulty. First, the splendour of his family, which had borne a principal share in all the triumphs of the republic, from the very foundation of its liberty, was of great force to protect him in all his extravagances. Those, who know any thing of Rome, know what a strong impression this single circumstance of illustrious nobility would necessarily make upon the people. Cicero calls the nobles of this class, prætors and consuls elect from their cradles, by a kind of hereditary right, whose very names were sufficient to advance them to all the dignities of the state.* Secondly, his personal qualities were peculiarly adapted to endear him to all the meaner sort: his bold and ready wit; his talent at haranguing; his profuse expense; and his being the first of his family who had pursued popular measures, against the maxims of his ancestors, who were all stern assertors of the aristocratical power. Thirdly, the contrast of opposite factions, who had each their ends in supporting him, contributed principally to his safety; the triumvirate willingly permitted, and privately encouraged, his violences, to make their own power not only the less odious, but even necessary, for controlling the fury of such an incendiary; and though it was often turned against themselves, yet they chose to bear it, and dissemble their ability of repelling it, rather than destroy the man who was playing their game for them, and, by throwing the Republic into confusion, throwing it of course into their hands: the senate, on the other side, whose chief apprehensions were from the triumvirate, thought, that the

* Non idem mihi licet, quod iis, qui nobili genere nati sunt, quibus omnia populi Romani beneficia dormientibus deferuntur. In Verr. 5. 70.

Erat nobilitate ipsa, blanda conciliatricula commendatus.—Omnes semper boni nobilitati favemus, &c. Pro Sext. 9.

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

rashness of Clodius might be of some use to perplex their measures, and stir up the people against them on proper occasions; or it humoured their spleen, at least, to see him often insulting Pompey to his face.* Lastly, all who envied Cicero, and desired to lessen his authority, privately cherished an enemy, who employed all his force to drive him from the administration of affairs. This accidental concurrence of circumstances, peculiar to the man and the times, was the thing that preserved Clodius, whose insolence could never have been endured in any quiet and regular state of the city.

By his obtaining the ædileship, the tables were turned between him and Milo; the one was armed with the authority of a magistrate, the other become a private man; the one freed from all apprehension of judges and a trial, the other exposed to all that danger from the power of his antagonist: and it was not Clodius's custom to neglect any advantage against an enemy; so that he now accused Milo of the same crime of which Milo had accused him; of public violence, and breach of the laws, in maintaining a band of gladiators, to the terror of the city. Milo made his appearance to this accusation on the second of February: when Pompey, Crassus, and Cicero, appeared with him; and M. Marcellus, though Clodius's colleague in the ædileship, spoke for him, at Cicero's desire; and the whole passed quietly and favourably for him on that day. The second hearing was appointed on the ninth; when Pompey undertook to plead his cause, but no sooner stood up to speak, than Clodius's mob began to exert their usual arts, and, by a continual clamour of reproaches and invectives, en-

* Videtis igitur hominem per seipsum jam pridem afflictum ac jacentem, perniciosis Optimatium discordiis excitari. Ne a Republica Reipub. pestis amoveretur, restiterunt: etiam, ne causam diceret: etiam ne privatus esset: etiamne in sinu atque in deliciis quidam optimi viri viperam illam venenatam ac pestiferam habere potuerunt? Quo tandem decepti munere? Volo, inquiunt, esse qui in concione detrahat de Pompeio. De Harusp. Resp. 24.

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

deavoured to hinder him from going on, or at least from being heard: but Pompey was too firm, to be so baffled; and spoke for near three hours, with a presence of mind, which commanded silence, in spite of their attempts. When Clodius rose up to answer him, Milo's party, in their turn, so disturbed and confounded him, that he was not able to speak a word; while a number of epigrams and lampoons upon him and his sister were thrown about, and publicly rehearsed among the multitude below, so as to make him quite furious: till recollecting himself a little, and finding it impossible to proceed in his speech, he demanded aloud of his mob, who it was that attempted to starve them by famine? To which they presently cried out, Pompey: he then asked, who it was that desired to be sent to Egypt? They all echoed Pompey: but when he asked, who it was, that they themselves had a mind to send? They answered, Crassus: for the old jealousy was now breaking out again between him and Pompey; and though he appeared that day on Milo's side, yet he was not, as Cicero says, a real well-wisher to him.

These warm proceedings among the chiefs, brought on a fray below, among their partisans; the Clodians began the attack, but were repulsed by the Pompeians; and Clodius himself driven out of the rostra: Cicero, when he saw the affair proceed to blows, thought it high time to retreat, and make the best of his way towards home; but no great harm was done, for Pompey, having cleared the Forum of his enemies, presently drew off his forces, to prevent any farther mischief or scandal from his side.*

* Ad diem IIII. Non. Febr. Milo affuit. Ei Pompeius advocatus venit. Dixit Marcellus a me rogatus. Honeste discessimus. Productus dies est in IIII. Id. Feb. ——A. D. IIII. Id. Milo affuit, Dixit Pompeius, sive voluit. Nam ut surrexit, operæ Clodianæ clamorem sustulerunt: idque ei perpetua oratione contigit, non modo ut acclamatione, sed ut convicio et maledictis impediretur. Qui ut peroravit, nam in eo sæpe fortis fuit, non est deterritus, dixit omnia, atque interdum etiam silen-

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The senate was presently summoned, to provide some remedy for these disorders; where Pompey, who had drawn upon himself a fresh envy from his behaviour in the Egyptian affair, was severely handled by Bibulus, Curio, Favonius, and others; Cicero chose to be absent, since he must either have offended Pompey, by saying nothing for him, or the honest party, by defending him. The same debate was carried on for several days, in which Pompey was treated very roughly by the tribune Cato; who inveighed against him with great fierceness, and laid open his perfidy to Cicero, to whom he paid the highest compliments, and was heard with much attention by all Pompey's enemies.

Pompey anwered him, with an unusual vehemence; and reflecting openly on Crassus, as the author of these affronts, declared, that he would guard his life with more care, than Scipio Africanus did, when Carbo murdered him.—These warm expressions seemed to open a prospect of some great agitation likely to ensue: Pompey consulted with Cicero on the proper means of his security; and acquainted him with his apprehensions of a design against his life; that Cato was privately supported, and Clodius furnished with money by Crassus; and both of them encouraged by Curio, Bibulus, and the rest, who envied him; that it was necessary for him to look to himself, since the meaner people were wholly alienated, the nobility and senate generally disaffected, and the youth corrupted. Cicero readily consented to join forces with him, and to summon their clients and friends from all parts of Italy; for though he had no mind to fight his bat-

tio, cum auctoritate peregerat: sed ut peroravit, surrexit Clodius: ei tantus clamor a nostris, placuerat enim referre gratiam, ut neque mente, neque lingua, neque ore consisteret———Cum omnia maledicta, tum versus etiam obscenissimi in Clodium et Clodiam dicerentur. Ille furens et exsanguis interrogabat suos in clamore ipso, quis esset, qui plebem fame necaret? Respondebant operæ, Pompeius. Quis Alexandriam ire cuperet? Respondebant, Pompeius. Quem ire vellent? Respondebant, Crassum. Is aderat tum Miloni animo non amico.———

Hora fere nona, quasi signo dato, Clodiani nostros conputare cœperunt. Exarsit dolor, urgere illi ut loco nos moverent. Factus est a nostris impetus, fuga operarum. Ejectus de Rostris Clodius. Ac nos quoque tum fugimus, nequid in turba.—Senatus vocatus in Curiam, Pompeius domum.—Ad Quint. Fr. 2. 3.

tles in the senate, he was desirous to defend his person from all violence, especially against Crassus, whom he never loved: they resolved, likewise, to oppose, with united strength, all the attempts of Clodius and Cato, against Lentulus and Milo.* Clodius, on the other hand, was not less busy in mustering his friends against the next hearing of Milo's cause: but as his strength was much inferior to that of his adversary, so he had no expectation of getting him condemned, nor any other view, but to teaze and harass him:† for after two hearings, the affair was put off, by several adjournments, to the beginning of May; from which time we find no farther mention of it.

The consul, Marcellinus, who drew his colleague Philippus along with him, was a resolute opposer of the triumvirate, as well as of all the violences of the other magistrates: for which reason, he resolved to suffer no assemblies of the people, except such as were necessary for the elections into the annual offices: his view was to prevent Cato's law for recalling Lentulus, and the monstrous things, as Cicero calls them, which some were attempting, at this time, in favour of Cæsar. Cicero gives him the character of one of the best consuls that he had ever known, and blames him only in one thing; for treating Pompey, on all occasions, too rudely; which made Cicero often absent himself from the senate, to avoid

* Neque ego in senatum, ne aut, de tantis rebus tacerem, aut in Pompeio defendendo, nam is carpebatur a Bibulo, Curione, Favonio, Servilio filio, animos bonorum offenderem. Res in posterum diem dilata est—Eo die nihil perfectum.—Ad diem II. Id.—Cato est vehementer in Pompeium invectus et eum oratione perpetua tanquam reum accusavit. De me multa me invito, cum mea summa laude dixit. Cum illius in me perfidiam increpavit, auditus est magno silentio malevolorum Respondit ei vehementer Pompeius, Crassumque descripsit; dixitque aperte, se munitiorem ad custodiendam vitam suam fore, quam Africanus fuisset, quem C. Carbo interemisset. Itaque magnæ mihi res moveri videbantur. Nam Pompeius hæc intelligit, mecumque communicat insidias vitæ suæ fieri: C. Catonem a Crasso sustentari; Clodio pecuniam suppeditari: utrumque et ab eo et a Curione, Bibulo, cæterisque suis obtrectatoribus confirmari: vehementer esse providendum ne opprimatur, concionario illo populo, a se prope alienato, nobilitate inimica, non æquo Senatu Juventute improba; itaque se comparat, homines ex agris arcessit. Operas autem, suas Clodius confirmat. Manus ad Quiriualia paratur. In eo multo sumus superiores, &c. Ad Quint. 2. 3.

† Vid. Dio. p. 99.

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taking part, either on the one side or the other.* For the support, therefore, of his dignity and interest in the city, he resumed his old task of pleading causes; which was always popular and reputable, and in which he was sure to find full employment. His first cause was the defence of L. Bestia, on the tenth of February, who, after the disgrace of a repulse from the prætorship, in the last election, was accused of bribery and corruption in his suit for it; and notwithstanding the authority and eloquence of his advocate, was convicted and banished. He was a man extremely corrupt, turbulent, and seditious; had always been an enemy to Cicero; and supposed to be deeply engaged in Catiline's plot; and is one instance of the truth of what Cicero says, that he was often forced, against his will, to defend certain persons, who had not deserved it of him, by the intercession of those who had. †

Cæsar, who was now in the career of his victories in Gaul, sent a request to the senate, that money might be decreed to him for the payment of his army; with a power of choosing ten lieutenants, for the better management of the war, and the conquered provinces; and that his command should be prolonged for five years more. The demand was thought very exorbitant; and it seemed strange, that, after all his boasted conquests, he should not be able to maintain his army without money from home, at a time when the treasury was greatly exhausted: and the renewal of a commission, obtained at first by violence, and against the authority of the senate, was of hard digestion. But Cæsar's interest prevailed, and Cicero

* Consul est egregius Lentulus, non impediente Collega: sic inquam bonus, ut meliorem non viderim. Dies comitiales exemit omnes.—Sic legibus perniciosissimis obsistitur, maxime Catonis. Nunc igitur Catonem Lentulus a legibus removit, et eos, qui de Cæsare monstra promulgarunt. Marcellinus autem hoc uno mihi minus satisfacit, quod cum nimis aspere tractat, quanquam id Senatu non invito facit: quo ego me libentius a Curia, et ab omni parte Reip. subtraho. Ad Quint. 26.

† A. D. III. Id. dixi pro Bestia de ambitu apud Prætorem Cn. Domitium, in Foro medio, maximo conventu. Ad Quint. 2. 3.

Cogor nonnunquam homines non optime de me meritos, rogatu eorum qui bene meriti sunt, defendere. Ep. Fam. 7. 1. Vid. Philip. XI. 5. Sallust. 17. 43. Plut. in Cic.

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himself was the promoter of it, and procured a decree to his satisfaction; yet, not without disgusting the old patriots, who stood firm to their maxim of opposing all extraordinary grants: but Cicero alleged the extraordinary services of Cæsar; and that the course of his victories ought not to be checked by the want of necessary supplies, while he was so gloriously extending the bounds of the empire, and conquering nations, whose names had never been heard before at Rome: and though it were possible for him to maintain his troops without their help, by the spoils of the enemy, yet those spoils ought to be reserved for the splendour of his triumph, which it was not just to defraud by their unreasonable parsimony.*

He might think it imprudent, perhaps, at this time, to call Cæsar home from an unfinished war, and stop the progress of his arms in the very height of his success; yet the real motive of his conduct seems to have flowed, not so much from the merits of the cause, as a regard to the condition of the times, and his own circumstances. For, in his private letters, he owns, That the malevolence and envy of the aristocratical chiefs had almost driven him from his old principles, and, though not so far as to make him forget his dignity, yet so as to take a proper care of his safety, both which might be easily consistent, if there was any faith or gravity in the consular senators: but they had managed their matters so ill, that those who were superior to them in power, were become superior too in authority, so as to be able to carry in the senate what they could not have carried, even with the people, without violence: that he had learned, from experience, what he could not learn so well from books, that as no

* Illum enim arbitrabar etiam sine hoc subsidio pecuniæ retinere exercitum præda ante parta, et bellum conficere posse: sed decus illud et ornamentum Triumphi minuendum nostra parsimonia non putavi.

Et quas regiones, quosque gentes nullæ nobis antea litteræ, nulla vox, nulla fama notas fecerat, has noster Imperator, nosterque exercitus, et populi Romani arma peragrarunt. De Prov. Consul. XI. 13. 16

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regard was to be had to our safety, without a regard also to our dignity; so the consideration of dignity ought not to exclude the care of our safety.* In another letter, he says, that the state and form of the government was quite changed; and what he had proposed to himself, as the end of all his toils, a dignity and liberty of acting and voting, was quite lost and gone; that there was nothing left, but either meanly to assent to the few, who governed all; or weakly to oppose them, without doing any good: that he had dropped, therefore, all thoughts of that old consular gravity and character of a resolute senator, and resolved to conform himself to Pompey's will; that his great affection to Pompey made him begin to think all things right, which were useful to him; and he comforted himself with reflecting, that the greatness of his obligations would make all the world excuse him, for defending what Pompey liked, or, at least, for not opposing it; or else, what of all things he most desired, if his friendship with Pompey would permit him, for retiring from public business, and giving himself wholly up to his books.†

But he was now engaged in a cause, in which he was warmly and specially interested, the defence of P. Sextius, the late tribune. Clodius, who gave Ci-

* Quorum malevolentissimis obtrectationibus nos scito de vetere illa nostra, diuturnaque sententia prope jam esse depulsos: non nos quidem ut nostræ dignitatis simus obliti, sed ut habeamus rationem aliquando etiam salutis. Poterat utrumque præclare, si esset fides, si gravitas in hominibus Consularibus.——

Nam, qui plus opibus, armis, potentia valent, profecisse tantum mihi videntur stultitia et inconstantia adversariorum, ut etiam auctoritate jam plus valerent—quod ipse, litteris omnibus a pueritia deditus, experiundo tamen magis, quam discendo cognovi;—neque salutis nostræ rationem habendam nobis esse sine dignitate, neque dignitatis sine salute. Ep. Fam. 1. 7.

† Tantum enim animi inductio et me hercule amor erga Pompeium apud me valet, ut, quæ illi utilia sunt, et quæ ille vult, ea mihi omnia jam et recta et vera videantur—Me quidem illa res consolatur, quod ego is sum, cui vel maxime concedant omnes, ut vel ea defendam, quæ Pompeius velit, vel taceam, vel etiam, id quod mihi maxime lubet, ad nostra me studia referam litterarum; quod profecto faciam, si mihi per ejusdem amicitiam licebit.

Quæ enim proposita fuerant nobis, cum et honoribus amplissimis, et laboribus maximis perfuncti essemus, dignitas in sententiis dicendis, libertas in Rep. capessenda; ea sublata tota: sed nec mihi magis, quam omnibus. Nam aut assentiendum est nulla cum gravitate paucis, aut frustra dissentiendum. Ib. 8.

cero's friends no respite, having himself undertaken Milo, assigned the prosecution of Sextius to one of his confidents, M. Tullius Albinovanus, who accused him of public violence, or breach of peace in his tribunate.* Sextius had been a true friend to Cicero in his distress; and borne a great part in his restoration; but as in cases of eminent service, conferred jointly by many, every one is apt to claim the first merit, and expect the first share of praise; so Sextius, naturally morose, fancying himself neglected, or not sufficiently requited by Cicero, had behaved very churlishly towards him since his return; but Cicero, who was never forgetful of past kindnesses, instead of resenting his perverseness, having heard that Sextius was indisposed, went in person to his house, and cured him of all his jealousies, by freely offering his assistance and patronage in pleading his cause.†

This was a disappointment to the prosecutors; who flattered themselves, that Cicero was so much disgusted, that he would not be persuaded to plead for him; but he entered into the cause with a hearty inclination, and made it, as in effect it really was, his own.‡ In his speech, which is still extant, after laying open the history of his exile, and the motives of his own conduct, through the whole progress of it, he shews, that the only ground of prosecuting Sextius was, his faithful adherence to him, or rather to the Republic; that, by condemning Sextius, they would, in effect, condemn him, whom all the orders of the city had declared to be unjustly expelled, by the very same men, who were now attempting to expel Sextius: that it was a banter and ridicule on justice itself, to accuse a man of violence, who had

* Qui cum omnibus salutis meæ defensoribus bellum sibi esse gerendum judicaverunt. Pro Sext. 2.

† Is erat æger: domum, ut debuimus, ad eum statim venimus; eique nos totos tradidimus: idque fecimus præter hominum opinionem, qui nos ei jure succensere putabant, ut humanissimi gratissimique et ipsi et omnibus videremur: itaque faciemus. Ad Quint. 2. 3.

‡ P. Sextius est reus non suo sed meo nomine, &c. Pro Sext. 13.

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been left for dead upon the spot, by the violence of those who accused him: and whose only crime was, that he would not suffer himself to be quite killed, but presumed to guard his life against their future attempts. In short, he managed the cause so well, that Sextius was acquitted, and in a manner the most honourable, by the unanimous suffrages of all the judges; and with an universal applause of Cicero's humanity and gratitude.*

Pompey attended this trial as a friend to Sextius; while Cæsar's creature, Vatinius, appeared not only as an adversary, but a witness against him: which gave Cicero an opportunity of lashing him, as Sextius particularly desired, with all the keenness of his raillery, to the great diversion of the audience; for, instead of interrogating him in the ordinary way, about the facts deposed in the trial, he contrived to teaze him with a perpetual series of questions, which revived and exposed the iniquity of his factious tribunate, and the whole course of his profligate life, from his first appearance in public: and, in spite of all his impudence, quite daunted and confounded him. Vatinius, however, made some feeble effort to defend himself, and rally Cicero in his turn; and, among other things, reproached him with the baseness of changing sides, and becoming Cæsar's friend, on account of the fortunate state of his affairs; to which Cicero briskly replied, though Pompey himself stood by, that he still preferred the condition of Bibulus's consulship, which Vatinius thought abject and miserable, to the victories and triumphs of all men whatsoever. This speech against Vatinius is still remaining, under the title of the interrogation, and is nothing else but what Cicero himself calls it, a

* Sextius noster absolutus est. A. D. II. Id. Mart. et quod vehementer interfuit Reipub. nullam videri in ejusmodi causa dissensionem esse, omnibus sententiis absolutus est—Scito nos in eo judicio consecutos esse, ut omnium gratissimi judicaremur. Nam in defendendo homine moroso cumulatissime satisfecimus. Ad Quint. 2. 4.

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perpetual invective on the magistracy of Vatinius, and the conduct of those who supported him.*

In the beginning of April, the senate granted the sum of three hundred thousand pounds to Pompey, to be laid out in purchasing corn for the use of the city; where there was still a great scarcity, and as great, at the same time, of money: so that the moving a point so tender, could not fail of raising some ill humour in the assembly; when Cicero, whose old spirit seems to have revived in him, from his late success in Sextius's cause, surprised them, by proposing, that, in the present inability of the treasury to purchase the Campanian lands, which, by Cæsar's act, were to be divided to the people, the act itself should be reconsidered, and a day appointed for that deliberation. The motion was received with an universal joy, and a kind of tumultuary acclamation. The enemies of the triumvirate were extremely pleased with it, in hopes that it would make a breach between Cicero and Pompey; but it served only for a proof of what Cicero himself observes, that it is very hard for a man to depart from his old sentiments in politics, when they are right and just.†

Pompey, whose nature was singularly reserved, expressed no uneasiness upon it, nor took any notice of it to Cicero, though they met and supped together familiarly, as they used to do: but he set forward

* Vatinium, a quo palam oppugnabatur, arbitratu nostro concidimus, Diis hominibusque plaudentibus. Quid quæris? Homo petulans, et audax Vatinius valde perturbatus, debilitatusque discessit. Ib.

Ego sedente Pompeio, cum ut laudaret P. Sextium introiisset in urbem, dixissetque testis Vatinius, me fortuna et felicitate C. Cæsaris commotum, illi amicum esse cœpisse; dixi, me eam Bibuli fortunam, quam ille afflictam putaret, omnium triumphis victoriisque anteferre. Tota vero interrogatio mea nihil habuit, nisi reprehensionem illius Tribunatus: in quo omnia dicta sunt libertate, animoque maximo. Ep. Fam. 1. 9.

† Pompeio pecunia decreta in rem frumentariam ad H-S cccc. sed eodem die vehementer actum de agro Campano, clamore Senatus prope concionali. Acriorem causam inopia pecuniæ faciebat, et annonæ caritas. Ad Quint. 2. 5.

Nonis April. mihi est Senatus assensus, ut de agro Campano, idibus Maiis, frequenti Senatu referretur. Num potui magis in arcem illius causæ invadere. Ep. Fam. 1. 9.

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soon after towards Afric, in order to provide corn; and, intending to call at Sardinia, proposed to embark at Pisa, or Leghorn, that he might have an interview with Cæsar, who was now at Luca, the utmost limit of his Gallic government. He found Cæsar exceedingly out of humour with Cicero: for Crassus had already been with him at Ravenna, and greatly incensed him by his account of Cicero's late motion; which he complained of so heavily, that Pompey promised to use all his authority to induce Cicero to drop the pursuit of it; and, for that purpose, sent away an express to Rome, to intreat him not to proceed any farther in it till his return; and, when he came afterwards to Sardinia, where his lieutenant, Q. Cicero, then resided, he entered immediately into an expostulation with him about it, recounting all his services to his brother, and that every thing, which he had done for him, was done with Cæsar's consent; and reminding him of a former conversation between themselves, concerning Cæsar's acts, and what Quintus himself had undertaken for his brother on that head; and, as he then made himself answerable for him, so he was now obliged to call him to the performance of those engagements: in short, he begged him to press his brother to support and defend Cæsar's interests and dignity, or, if he could not persuade him to that, to engage him at least not to act against them.*

This remonstrance from Pompey, enforced by his brother Quintus, staggered Cicero's resolution, and

* Hoc S. C. in sententiam meam facto, Pompeius, cum mihi nihil ostendisset se esse offensum, in Sardiniam et in Africam profectus est, eoque itinere Lucam ad Cæsarem venit. Ibi multa de mea sententia questus est Cæsar, quippe qui etiam Ravennæ Crassum ante vidisset, ab eoque in me esset incensus. Sane moleste Pompeium id ferre constabat: quod ego, cum audissem ex aliis, maxime ex fratre meo cognovi; quem cum in Sardinia paucis post diebus, quam Luca discesserat, convenisset. Te, inquit, ipsum cupio: nihil opportunius potuit accidere: nisi cum Marco fratre diligenter egeris, dependendum tibi est, quod mihi pro illo spopondisti: quid multa? Questus est graviter; sua merita commemoravit: quid egisset sæpissime de actis Cæsaris cum meo fratre, quidque sibi is de me recepisset, in memoriam redegit: seque quæ de mea salute egisset, voluntate Cæsaris egisse, ipsum meum fratrem testatus est. Ib.

made him enter into a fresh deliberation with himself, about the measures of his conduct; where, after casting up the sum of all his thoughts, and weighing every circumstance, which concerned either his own or the public interest, he determined at last to drop the affair, rather than expose himself again, in his present situation, to the animosity of Pompey and Cæsar; for which he makes the following apology to his friend Lentulus: that those, who professed the same principles, and were embarked in the same cause with him, were perpetually envying and thwarting him, and more disgusted by the splendour of his life, than pleased with any thing which he did for the public service: that their only pleasure, and what they could not even dissemble, while he was acting with them, was to see him disoblige Pompey, and make Cæsar his enemy; when they, at the same time, were continually caressing Clodius before his face, on purpose to mortify him: that if the government indeed had fallen into wicked and desperate hands, neither hopes nor fears, nor gratitude itself, could have prevailed with him to join with them; but when Pompey held the chief sway, who had acquired it by the most illustrious merit; whose dignity he had always favoured from his first setting out in the world, and from whom he had received the greatest obligations; and who, at that very time, made his enemy the common enemy of them both; he had no reason to apprehend the charge of inconstancy, if, on some occasions, he voted and acted a little differently from what he used to do, in complaisance to such a friend: that his union with Pompey necessarily included Cæsar, with whom both he and his brother had a friendship also of long standing; which they were invited to renew, by all manner of civilities and good offices, freely offered on Cæsar's part: that, after Cæsar's great exploits and victories, the Republic itself seemed to interpose, and forbid him to

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quarrel with such men: that when he stood in need of their assistance, his brother had engaged his word for him to Pompey, and Pompey to Cæsar; and he thought himself obliged to make good those engagements.*

This was the general state of his political behaviour: he had a much larger view, and more comprehensive knowledge both of men and things, than the other chiefs of the aristocracy, Bibulus, Marcellinus, Cato, Favonius, &c. whose stiffness had ruined their cause, and brought them into their present subjection, by alienating Pompey and the equestrian order from the senate: they considered Cicero's management of the triumvirate, as a mean submission to illegal power, which they were always opposing and irritating, though ever so unseasonably; whereas Cicero thought it time to give over fighting, when the forces were so unequal; and that the more patiently they suffered the dominion of their new masters, the more temperately they would use it;† being persuaded that Pompey, at least, who was the head of them, had no designs against the public liberty, unless he were provoked and driven to it by the perverse opposition of his enemies.‡ These were

* Qui cum illa sentirent in Repub. quæ ego agebam, semperque sensissent: me tamen non satisfacere Pompeio, Cæsaremque inimicissimum mihi futurum, gaudere se aiebant: hoc mihi dolendum, sed illud multo magis, quod inimicum meum.—Sic amplexabantur—Sic me præsente osculabantur—Ego si ab improbis et perditis civibus Rempub. teneri videbam.—Non modo præmiis—Sed ne periculis quidem ullis compulsus—Ad eorum causam me adjungerem, ne si summa quidem eorum in me merita constarent. Cum autem in Repub. Cn. Pompeius princeps esset—meumque inimicum unum in Civitate haberet inimicum, non putavi famam inconstantiæ mihi pertimescendam, si quibusdam in sententiis paullum me immutassem, meamque voluntatem ad summi viri, de meque optime meriti dignitatem aggregassem, &c. Gravissime autem me in hac mente impulit, et Pompeii fides, quam de me Cæsari dederat, et Fratris mei, quam Pompeio. Ep. Fam. 1. 9.

† Neque, ut ego arbitror, errarent, si cum pares esse non possent, pugnare desisterent.

Commutata tota ratio est Senatus, judiciorum, Rei totius publicæ. Otium nobis exoptandum est; quod ii, qui potiuntur rerum, præstituri videntur, si quidam homines patientius eorum potentiam ferre potuerint. Dignitatem quidem illam consularem fortis et constantis senatoris, nihil est quod cogitemus. Amissa est culpa eorum, qui a senatu et ordinem conjunctissimum, et hominem clarissimum abalienarunt. Ib. 8.

‡ Ep. Fam. 1. 9.

the grounds of that complaisance which he now generally paid to him, for the sake both of his own and the public quiet: in consequence of which, when the appointed day came for considering the case of the Campanian lands, the debate dropped of course, when it was understood, that Cicero, the mover of it, was absent and had changed his mind; though it was not, as he intimates, without some struggle in his own breast, that he submitted to this step, which was likely to draw upon him an imputation of levity.*

His daughter, Tullia, having now lived a widow about a year, was married to a second husband, Furius Crassipes; and the wedding feast held at Cicero's house on the 6th of April: we find very little said of the character or condition of this Crassipes; but by Cicero's care in making the match, the fortune which he paid, and the congratulation of his friends upon it, he appears to have been a nobleman of principal rank and dignity.† Atticus, also, who was about a year younger than Cicero, was married this spring to Pilia, and invited him to the wedding.‡ As to his domestic affairs, his chief care, at present, was about rebuilding three of his houses, which were demolished in his exile; and repairing the rest, with that also of his brother, out of which they were driven in the last attack of Clodius: by the hints, which he gives of them, they all seem to have been very magnificent, and built under the direction of the best architects: Clodius gave no farther interruption to them, being forced to quit the pursuit of Cicero, in order to watch the motions of a more dangerous enemy, Milo. Cicero, however, was not

* Quod Idibus et postridie fuerat dictum, de Agro Campano actum iri, non est actum. In hac causa mihi aqua hæret. Ad Quint. 2. 8.

† De nostra Tullia—spero nos cum Crassipede confecisse. Ib. 4.

Quod mihi de Filia et de Crassipede gratularis—Speroque et opto hanc conjunctionem nobis voluptati fore. Ep. Fam. 1. 7.

Viaticum Crassipes præripit. Ad Att. 4. 5.

‡ Prid. Id hæc scripsi ante lucem. Eo die apud Pomponium in ejus nuptiis eram cœnaturus. Ad Quint. 2. 3.

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without a share of uneasiness, within his own walls; his brother's wife and his own, neither agreed well with each other, nor their own husbands: Quintus's was displeased at her husband's staying so long abroad; and Cicero's not disposed to make her's the happier for staying at home. His nephew, also, young Quintus, a perverse youth, spoiled by a mother's indulgence, added somewhat to his trouble; for he was now charged with the care of his education, in the father's absence; and had him taught under his own eye, by Tyrannio, a Greek master; who, with several other learned men of that country, was entertained in his house.*

King Ptolemy's affair was no more talked of; Pompey had other business upon his hands, and was so ruffled by the tribune, Cato, and the consul Marcellinus, that he laid aside all thoughts of it for himself, and wished to serve Lentulus in it. The senate had passed a vote against restoring him at all; but one of the tribunes inhibited them from proceeding to a decree; and a former decree was actually subsisting in favour of Lentulus: Cicero, therefore, after a consultation with Pompey, sent him their joint and last advice; that, by his command of a province, so near to Egypt, as he was the best judge of what he was able to do, so if he found himself master of the thing, and was assured of success, he might leave the king at Ptolemais, or some other neighbouring city, and proceed without him to Alexandria; where, if, by the influence of his fleet and troops, he could appease the public dissentions, and persuade the inhabitants to receive their king

* Domus utriusque nostrum ædificatur strenue.—Ib. 4. Longilium redemptorem cohortatus sum. Fidem mihi faciebat, se velle nobis placere. Domus erit egregia. Ib. 6.

Quintus tuus, puer optimus, eruditur egregie: Hoc nunc magis animadverto, quod Tyrannio docet apud me. Ib. 4.

A. D. VIII. Id. Apr. Sponsalia Crassipedi præbui. Huic convivio puer optimus, Quintus tyus, quod perleviter commotus fuerat, defuit.—Multum is mecum sermonem habuit et perhumanum de discordiis mulierum nostrarum—Pomponia autem etiam de te questa est. Ib. 6.

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peaceably, he might then carry him home, and so restore him according to the first decree; yet, without a multitude, as our religious men, says he, tell us the Sibyl has enjoined:—that it was the opinion, however, of them both, that people would judge of the fact by the event: if he was certain, therefore, of carrying his point, he should not defer it; if doubtful, should not undertake it: for, as the world would applaud him if he effected it with ease; so a miscarriage might be fatal, on account of the late vote of the senate, and the scruple about religion.* But Lentulus, wisely judging the affair too hazardous for one of his dignity and fortunes, left it to a man of a more desperate character, Gabinius; who ruined himself soon after by embarking in it.

The tribune Cato, who was perpetually inveighing against keeping gladiators, like so many standing armies, to the terror of the citizens, had lately bought a band of them, but finding himself unable to maintain them, was contriving to part with them again without noise or scandal. Milo got notice of it, and privately employed a person, not one of his own friends, to buy them; and when they were purchased, Racilius, another tribune, taking the matter upon himself, and pretending that they were bought for him, published a proclamation, that Cato's family of gladiators was to be sold by auction; which gave no small diversion to the city.†

* Te perspicere posse, qui Ciliciam Cyprumque teneas, quid efficere et quid consequi possis, et, si res facultatem habitura videatur, ut Alexandriam atque Ægyptum tenere possis, esse et tuæ et nostri imperii dignitatis, Ptolemaide, aut aliquo propinquo loco rege collocato, te cum classe, atque exercitu proficisci Alexandriam: ut cum eam pace, præsidiisque firmaris, Ptolemæus redeat in regnum: ita fore, ut per te restituatur, quemadmodum Senatus initio censuit; et sine multitudine reducatur, quemadmodum homines religiosi Sibyllæ placere dixerunt. Sed hæc sententia sic et illi et nobis probabatur, ut ex eventu homines de tuo consilio existimaturos videremus. —Nos quidem hoc sentimus; si exploratum tibi sit posse te regni illius potiri; non esse cunctandum: si dubium, non esse conandum, &c. Ep. Fam. 1. 7.

† Ille vindex gladiatorum et Bestiariorum emerat—Bestiarios—Hos alere non poterat. Itaque vix tenebat. Sensit Milo, dedit cuidam non familiari negotium, qui sine suspicione emeret eam familiam a Catone: quæ simulatque abducta est, Racilius rem patefecit, eosque homines sibi emptos esse dixit—et tabulam proscripsit, se familiam Catonianam venditurum. In eam tabulam magni risus consequebantur. Ad Quint. 2. 6.

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Milo's trial being put off to the fifth of May, Cicero took the benefit of a short vacation to make an excursion into the country to visit his estates and villas in different parts of Italy. He spent five days at Arpinum, whence he proceeded to his other houses at Pompeiæ and Cumæ; and stopped awhile, on his return, at Antium, where he had lately rebuilt his house, and was now disposing and ordering his library, by the direction of Tyrannio; the remains of which, he says, were more considerable than he expected from the late ruin. Atticus lent him two of his librarians to assist his own, in taking catalogues, and placing the books in order; which he calls the infusion of a soul into the body of his house.* During this tour, his old enemy, Gabinius, the proconsul of Syria, having gained some advantage in Judea, against Aristobulus, who had been dethroned by Pompey, and on that account was raising troubles in the country, sent public letters to the senate to give an account of his victory, and to beg the decree of a thanksgiving for it. His friends took the opportunity of moving the affair in Cicero's absence, from whose authority they apprehended some obstruction; but the senate, in a full house, slighted his letters, and rejected his suit; an affront, which had never been offered before to any proconsul. Cicero was infinitely delighted with it; calls the resolution divine, and was doubly pleased for its being the free and genuine judgment of the senate, without any struggle or influence on his part; and reproaching Gabinius with it, afterwards, says, that by this act the senate had declared, that they could not believe, that he, whom they had always known to be a traitor at home, could ever do any

* Offendes designationem *Tyrannionis* mirificam in librorum meorum Bibliotheca; quorum reliquiæ multo meliores sunt, quam putaram. Etiam vellem mihi mittas de tuis librariolis duos aliquos, quibus Tyrannio utatur glutinatoribus, et ad cætera administris. Ad Att. 4. 4.

Postea vero quam Tyrannio mihi libros disposuit, mens addita videtur meis ædibus: qua quidem in re, mirifica opera Dionysii et Menophili tui fuit. Ib. 8.

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thing abroad, that was ever useful to the Republic.* Many prodigies were reported to have happened about this time, in the neighbourhood of Rome: horrible noises under ground, with clashing of arms; and on the Alban hill, a little shrine of Juno, which stood on a table facing the east, turned suddenly of itself towards the north. These terrors alarmed the city, and the senate consulted the haruspices, who were the public diviners or prophets of the state, skilled in all the Tuscan discipline of interpreting portentous events; who gave the following answer in writing: "That supplications must be made to "Jupiter, Saturn, Neptune, and the other gods: "that the solemn shows and plays had been negli- "gently exhibited and polluted: sacred and religi- "ous places made profane: ambassadors killed, "contrary to right and law: faith and oaths disre- "garded: ancient and hidden sacrifices carelessly "performed and profaned;—That the gods gave "this warning, lest, by the discord and dissention "of the better sort, dangers and destruction should "fall upon the senate and the chiefs of the city; by "which means the provinces would fall under the "power of a single person; their armies be beaten; "great loss ensue; and honours be heaped on the "unworthy and disgraced."†——

One may observe, from this answer, that the diviners were under the direction of those who endeavoured to apply the influence of religion to the cure of their civil disorders: each party interpreted it according to their own views: Clodius took a handle from it of venting his spleen afresh against Cicero; and, calling the people together for that

* Id. Maiis senatus frequens divinus fuit in supplicatione Gabinio deneganda. Adjurat Procilius hoc nemini accidisse. Foris valde plauditur. Mihi cum sua sponte jucundum, tum jucundius, quod me absente, est enim εἰλικρινὲς judicium, sine oppugnatione, sine gratia nostra. Ad Quint. 2. 8. § 4, 5.

Hoc statuit senatus, cum frequens supplicationem Gabinio denegavit—A proditore, atque eo, quem præsentem hostem Reipub. cognosset; bene Rempub. geri non potuisse. De Prov. Consul. 6.

† Vic. Argum. Manutii in Orat. de Harusp. respons. Dio, l. 39. p. 100.

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

purpose, attempted to persuade them, that this divine admonition was designed particularly against him; and that the article of the sacred and religious places referred to the case of his house; which, after a solemn consecration to religion, was rendered again profane; charging all the displeasure of the gods to Cicero's account, who affected nothing less than a tyranny and the oppression of their liberties.*

Cicero made a reply to Clodius, the next day, in the senate; where, after a short and general invective upon his profligate life, he leaves him, he says, a devoted victim to Milo, who seemed to be given to them by Heaven, for the extinction of such a plague, as Scipio was for the destruction of Carthage: he declares the prodigy to be one of the most extraordinary, which had ever been reported to the senate; but laughs at the absurdity of applying any part of it to him; since his house, as he proves at large, was more solemnly cleared from any service or relation to religion, than any other house in Rome, by the judgment of the priests, the senate, and all the orders of the city.† Then running through the several articles of the answer, he shews them all to tally so exactly with the notorious acts and impieties of Clodius's life, that they could not possibly be applied to any thing else—that, as to the sports, said to be negligently performed and polluted, it clearly denoted the pollution of the Megalensian play; the most venerable and religious of all other shows; which Clodius himself, as ædile, exhibited in honour of the mother of the gods; where, when the magistrates and citizens were seated, to partake of the diversions, and the usual proclamation was made, to command all slaves to retire, a vast body of them, gathered from all parts of the city, by the order of Clodius, forced their way upon the stage, to the great terror of the assembly; where much mischief and bloodshed would have ensued, if the

* Dio. Ib. † De Harusp. resp. 6.

consul Marcellinus, by his firmness and presence of mind, had not quieted the tumult: and, in another representation of the same plays, the slaves, encouraged again by Clodius, were so audacious and successful, in a second irruption, that they drove the whole company out of the theatre, and possessed it entirely to themselves:* that, as to the profanation of sacred religious places, it could not be interpreted of any thing so aptly, as of what Clodius and his friends had done: for that, in the house of Q. Seius, which he had bought, after murdering the owner, there was a chapel and altars, which he had lately demolished: that L. Piso had destroyed a celebrated chapel of Diana, where all that neighbourhood, and some even of the senate, used annually to perform their family sacrifices: that Serranus also had thrown down, burnt, and profaned several consecrated chapels, and raised other buildings upon them:† that as to ambassadors, killed contrary to law and right, though it was commonly interpreted of those from Alexandria, yet other ambassadors had been murdered, whose death was no less offensive to the gods; as Theodosius, killed with the privity and permission of Clodius; and Plator, by the order of Piso:‡ as to the violation of faith and oaths, that it related evidently to those judges, who had absolved Clodius; as being one of the most memorable and flagrant perjuries, which Rome had ever known; that the answer itself suggested this interpretation, when it subjoined, that ancient and occult sacrifices were polluted; which could refer to nothing so properly, as to the rites of the Bona Dea; which were the most ancient and the most occult of any in the city; celebrated, with incredible secrecy, to that goddess, whose name it was not lawful for men to know; and with ceremonies, which no man ever pried into, but Clodius.* Then, as to the warning, given by the gods, of dangers,

* Ib. 10—13. † Ib. 14, 15. ‡ Ib. 16. § Ib. 17, 18.

likely to ensue from the dissensions of the principal citizens; that there was no man so particularly active, in promoting those dissensions, as Clodius; who was perpetually inflaming one side or the other; now pursuing popular, now aristocratical measures: at one time a favourite of the triumvirate, at another of the senate; whose credit was wholly supported by their quarrels and animosities. He exhorts them, therefore, in the conclusion, to beware of falling into those miseries, of which the gods so evidently forewarned them; and to take care, especially, that the form of the Republic was not altered; since all civil contests between great and powerful citizens, must necessarily end, either in an universal destruction, or a tyranny of the conqueror: that the state was now in so tottering a condition, that nothing could preserve it but their concord: that there was no hope of its being better, while Clodius remained unpunished; and but one degree left of being worse, by being wholly ruined and enslaved; for the prevention of which, the gods had given them this remarkable admonition; for they were not to believe, what was sometimes represented on the stage, that any god ever descended from heaven to converse familiarly with men: but that these extraordinary sounds and agitations of the world, the air, the elements, were the only voice and speech, which Heaven made use of; that these admonished them of their danger, and pointed out the remedy; and that the gods, by intimating so freely the way of their safety, had shewn, how easy it would be to pacify them, by pacifying only their own animosities and discords among themselves.

About the middle of the summer, and before the time of chusing new consuls, which was commonly in August, the senate began to deliberate on the provinces, which were to be assigned to them at the expiration of their office. The consular provinces, about which the debate singly turned, were the two

Gauls, which Cæsar now held; Macedonia, which Piso; and Syria, which Gabinius possessed. All who spoke before Cicero, excepting Servilius, were for taking one or both the Gauls from Cæsar; which was what the senate generally desired; but when it came to Cicero's turn, he gladly laid hold on the occasion, to revenge himself on Piso and Gabinius, and exerted all his authority, to get them recalled with some marks of disgrace, and their governments assigned to the succeeding consuls; but as for Cæsar, his opinion was, that his command should be continued to him, till he had finished the war, which he was carrying on with such success, and settled the conquered countries. This gave no small offence; and the consul Philippus could not forbear interrupting and reminding him, that he had more reason to be angry with Cæsar than with Gabinius himself; since Cæsar was the author and raiser of all that storm, which had oppressed him. But Cicero replied, that, in this vote, he was not pursuing his private resentment, but the public good, which had reconciled him to Cæsar; and that he could not be an enemy to one, who was deserving so well of his country: that a year or two more would complete his conquests, and reduce all Gaul to a state of peaceful subjection: that the cause was widely different between Cæsar and the other two; that Cæsar's administration was beneficial, prosperous, glorious, to the Republic; theirs, scandalous, ignominious, hurtful to their subjects, and contemptible to their enemies. In short, he managed the debate so, that the senate came fully into his sentiments, and decreed the revocation of Piso and Gabinius.*

* Itaque ego idem, qui nunc consulibus iis, qui designati erunt, Syriam, Macedoniamque decerno—Quod si essent illi optimi viri, tamen ego mea sententia C. Cæsari nondum succedendum putarem. Qua de re dicam, patres conscripti, quod sentio, atque illam interpellationem familiarissimi mei, qua paullo ante interrupta est oratio mea, non pertimescam. Negat me vir optimus inimiciorem debere esse Gabinio, quam Cæsari; omnem enim illam tempestatem, cui cesserim, Cæsare impulsore atque adjutore esse excitatam. Cui si primum sic respondeam, me communis utilitatis

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

He was now likewise engaged in pleading two considerable causes at the bar; the one in defence of Cornelius Balbus, the other of M. Cœlius. Balbus was a native of Gades, in Spain, of a splendid family in that city, who, for his fidelity and services to the Roman generals in that province, and especially in the Sertorian war, had the freedom of Rome conferred upon him by Pompey, in virtue of a law, which authorized him to grant it to as many as he thought proper. But Pompey's act was now called in question, as originally null and invalid, on a pretence, that the city of Gades was not within the terms of that alliance and relation to Rome, which rendered its citizens capable of that privilege. Pompey and Crassus were his advocates, and, at their desire, Cicero also; who had the third place, or post of honour, assigned to him, to give the finishing hand to the cause.* The prosecution was projected, not so much out of enmity to Balbus, as to his patrons, Pompey and Cæsar; by whose favour he had acquired great wealth and power; being at this time general of the artillery to Cæsar, and the principal manager or steward of all his affairs. The judges gave sentence for him, and confirmed his right to the city; from which foundation he was raised afterwards, by Augustus, to the consulate itself: his nephew, also, young Balbus, who was made free with him, at the same time, obtained the honour of a triumph, for his victories over the Garamantes; and, as Pliny tells us, they were the only instances of foreigners, and adopted citizens, who had ever advanced themselves to either of those honours in Rome.†

habere rationem, non doloris mei. Hic me meus in Rempub. animus pristinos ac perennis, cum C. Cæsare reducit, reconcilint, restituit in gratiam. Quod volent denique homines existiment, nemini ego possum esse bene de Republica merenti non amicus. Vid. Orat. de Prov. Cons. 8, 9, &c.

* Quo mihi difficilior est hic extremus perorandi locus. Sed mos est gerendus, non modo Cornelio, cujus ego voluntati in ejus periculis nullo modo deesse possum; sed etiam Cn. Pompeio. Pro Balb, 1, 2, &c.

† Fuit et Balbus Cornelius major consul—Primus externorum, atque etiam in oceano genitorum usus illo honore. Hist. N. 7. 43.

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Cœlius, whom he next defended, was a young gentleman of equestrian rank, of great parts and accomplishments, trained under the discipline of Cicero himself; to whose care he was committed, by his father, upon his first introduction into the Forum: before he was of age to hold any magistracy, he had distinguished himself by two public impeachments; the one of C. Antonius, Cicero's colleague in the consulship, for conspiring against the state; the other of L. Atratinus, for bribery and corruption. Atratinus's son was now revenging his father's quarrel, and accused Cœlius of public violence, for being concerned in the assassination of Dio, the chief of the Alexandrian embassy; and of an attempt to poison Clodia, the sister of Clodius: he had been this lady's gallant; whose resentment, for her favours slighted by him, was the real source of all his trouble. In this speech Cicero treats the character and gallantries of Clodia, her commerce with Cœlius, and the gaieties and licentiousness of youth, with such a vivacity of wit and humour, that makes it one of the most entertaining, which he has left to us. Cœlius, who was truly a libertine, lived on the Palatine hill, in a house which he hired of Clodius, and, among the other proofs of his extravagance, it was objected, that a young man, in no public employment, should take a separate house from his father, at the yearly rent of two hundred and fifty pounds: to which Cicero replied, that Clodius, he perceived, had a mind to sell his house, by setting the value of it so high; whereas, in truth, it was but a little paltry dwelling, of small rent, scarce above eighty pounds per annum.* Cœlius was acquitted, and ever after professed the highest regard for Cicero; with whom he held a correspondence of

Garama caput Garamantum: omnia armis Romanis superata, et a Cornelio Balbo triumphata, uno omnium externo curru et Quiritium jure donato: quippe Gadibus nato civitas Rom. cum Balbo majore patruo data est. Ib. 5. 5.

* Sumptus unius generis objectus est, habitationis: triginta millibus dixistis eum habitare. Nunc demum intelligo P. Clodii insulam esse venalem, cujus hic in ædiculis habitet, decem, ut opinor, millibus. Pro Cœlio. 7.

letters, which will give us occasion to speak more of him in the sequel of the history.

Cicero seems to have composed a little poem, about this time, in compliment to Cæsar: and excuses his not sending it to Atticus, because Cæsar pressed to have it, and he had reserved no copy: though, to confess the truth, he says, he found it very difficult to digest the meanness of recanting his old principles. "But adieu," says he, "to all right, "true, honest counsels: it is incredible, what per-"fidy there is in those, who want to be leaders, and "who really would be so, if there was any faith in "them. I felt what they were to my cost, when I "was drawn in, deserted, and betrayed by them: I "resolved still to act on with them in all things; "but found them the same as before; till, by your "advice, I came at last to a better mind. You will "tell me, that you advised me indeed to act, but "not to write; it is true; but I was willing to put "myself under a necessity of adhering to my new "alliance, and preclude the possibility of returning "to those, who, instead of pitying me, as they "ought, never cease envying me. But since those "who have no power will not love me, my business "is to acquire the love of those who have: you will "say, I wish that you had done it long ago; I know "you wished it; and I was a mere ass for not mind-"ing you."*

In this year, also, Cicero wrote that celebrated letter to Lucceius, in which he presses him to attempt the history of his transactions: Lucceius was

* Urgebar ab eo, ad quem misi, et non habebam exemplar. Quid? etiam, (dudum circumrodo, quod devorandum est) subturpicula mihi videbatur παλινῳδία; sed valeant recta, vera, honesta consilia. Non est credible, quæ sit perfidia in istis principibus, ut voluut esse, et ut essent, si quicquam haberent fidei. Senseram, noram, inductus, relictus, projectus ab iis: tamen hoc erat in animo, ut cum iis in Rep. consentirem. Iidem erant, qui fuerant. Vix aliquando te auctore resipivi. Dices, et te monuisse, quæ facerem, non etiam ut scriberem. Ego mehercule mihi necessitatem volui imponere hujus novæ conjunctionis, ne qua mihi liceret labi ad illos, qui etiam tum cum misereri mei debent, non desinunt invidere. Sed tamen modici fuimus ὑποθέσει, ut scripsi—Sed quoniam qui nihil possunt, ii me amare nolunt, demus operam, ut ab iis, qui possunt, diligamur; dices, vellem jampridem. Scio te voluisse, et me asinum germanum fuisse. Ad Att. 4. 5.

Scribis poema ab eo nosrum probari. Ad Quint. 2. 15.

a man of eminent learning and abilities, and had just finished the history of the Italic and Marian civil wars; with intent to carry it down through his own times, and, in the general relation, to include, as he had promised, a particular account of Cicero's acts; but Cicero, who was pleased with his style and manner of writing, labours to engage him in this letter, to postpone the design of his continued history, and enter directly on that separate period, from the beginning of his consulship to his restoration: comprehending Catiline's conspiracy, and his own exile. He observes, that this short interval was distinguished with such a variety of incidents, and unexpected turns of fortune, as furnished the happiest materials, both to the skill of the writer, and the entertainment of the reader; that, when an author's attention was confined to a single and select subject, he was more capable of adorning it and displaying his talents, than in the wide and diffusive field of general history; but if he did not think the facts themselves worth the pains of adorning, that he would yet allow so much to friendship, to affection, and even to that favour, which he had so laudably disclaimed in his prefaces, as not to confine himself scrupulously to the strict laws of history, and the rules of truth.—That, if he would undertake it, he would supply him with some memoirs, or commentaries, for the foundation of his work; if not, that he himself should be forced to do, what many had done before him, write his own life; a task liable to many exceptions and difficulties; where a man would necessarily be restrained by modesty, on the one hand, or partiality on the other, either for blaming, or praising himself so much as he deserved, &c.*

This letter is constantly alleged as a proof of Cicero's vanity, and excessive love of praise: but

* Ep. Fam. 12.

we must consider it as written, not by a philosopher, but a statesman, conscious of the greatest services to his country, for which he had been barbarously treated; and, on that account, the more eager to have them represented in an advantageous light, and impatient to taste some part of that glory, when living, which he was sure to reap from them when dead: and as to the passage which gives the offence, where he presses his friend to exceed even the bounds of truth in his praises, it is urged only, we see, conditionally, and upon an absurd or improbable supposition, that Lucceius did not think the acts themselves really laudable, or worth praising: but whatever exceptions there may be to the morality, there can be none to the elegance and composition of the letter; which is filled with a variety of beautiful sentiments, illustrated by examples, drawn from a perfect knowledge of history; so that it is justly ranked among the capital pieces of the epistolary kind, which remain to us from antiquity. Cicero had employed more than ordinary pains upon it, and was pleased with his success in it: for he mentions it to Atticus with no small satisfaction, and wished him to get a copy of it from their friend Lucceius. The effect of it was, that Lucceius undertook what Cicero desired, and probably made some progress in it, since Cicero sent him the memoirs, which he promised, and Lucceius lived many years after, in an uninterrupted friendship with him, though neither this, nor any other of his writings, had the fortune to be preserved to succeeding ages.*

All people's eyes and inclinations began now to turn towards Cæsar; who, by the eclat of his victories, seemed to rival the fame of Pompey himself: and by his address and generosity, gained

* Epistolam, Lucceio quam misi—fac ut ab eo sumas: valde bella est: eumque ut adproperet adhorteris; et, quod mihi se ita facturum rescripsit, agas gratias. Ad Att. 4. 6. Tu Lucceio librum nostrum dabis. Ib. 11.

ground upon him daily in authority and influence in public affairs. He spent the winter at Luca; whither a vast concourse of all ranks resorted to him from Rome. Here Pompey and Crassus were again made friends by him: and a project formed, that they should jointly seize the consulship for the next year, though they had not declared themselves candidates within the usual time. L. Domitius Ahenobarbus, a professed enemy, was one of the competitors; who, thinking himself sure of success, could not forbear bragging, that he would effect, when consul, what he could not do when prætor; rescind Cæsar's acts, and recal him from his government:* which made them resolve at all hazards to defeat him. What greatly favoured their design, was the obstinacy of the tribune, C. Cato; who, to revenge himself on Marcellinus, for not suffering him to hold any assemblies of the people, for promulgating his laws, would not suffer the consuls to hold any for the choice of the magistrates.† The triumvirate supported him in this resolution till the year expired, and the government fell into an interregnum; when, by faction and violence, and the terror of troops, poured into the city, they extorted the consulship out of the hands of Domitius, and secured it to themselves.‡ This made Pompey generally odious, who, in all this height of greatness, could not defend himself from the perpetual railleries and insults of his adversaries; which yet he bore with singular temper and patience. Marcellinus was constantly alarming the city with the danger of his power; and as he was haranguing, one day, on that subject, being

* Sed cum L. Domitius consulatus candidatus palam minaretur, consulem se effecturum, quod prætor nequisset, adempturumque ei exercitus. Crassum Pompeiumque in urbem provinciæ suæ Lucam extractos compulit, ut detrudendi Domitii causa alterum consulatum peterent Sueton. J. Cæs. 24.

† Consul—dies comitiales exemit omnes—C. Cato concionatus est, comitia haberi non siturum, si sibi cum populo agendi dies essent exempti. Ad Quint. 2. 6.

‡ Quid enim hoc miserius, quam eum, qui tot annos, quot habet, designatus consul fuerit, consulem fieri non posse? &c. Ad Att. 4. 8. Vid. Dio, p. 103.

A. Urb. 697. Cic. 51. Coss.—Cn. Corn. Lent. Marcellinus. L. Mar. Philippus.

encouraged by a general acclamation of the people; "Cry out, citizens," says he, "cry out while you "may; for it will not be long in your power to do "so with safety."* Cn. Piso, also, a young nobleman, who had impeached Manilius Crispus, a man of prætorian rank, and notoriously guilty, being provoked by Pompey's protection of him, turned his attack against Pompey himself, and charged him with many crimes against the state; being asked, therefore, by Pompey, why he did not chuse to impeach him, rather than the criminal, he replied, briskly, that if he would give bail to stand a trial, without raising a civil war, he would soon bring him before his judges.†

A. Urb. 698 Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

DURING the continuance of these tumults, occasioned by the election of the new consuls, Cicero retired into the country; where he staid to the beginning of May, much out of humour, and disgusted both with the Republic and himself. Atticus's constant advice to him was, to consult his safety and interest, by uniting himself with the men of power; and they, on their part, were as constantly inviting him to it, by all possible assurances of their affection: but, in his answers to Atticus, he observes, that their two cases were very different; that Atticus, having no peculiar character, suffered no peculiar indignity; nothing but what was common to all the citizens; whereas his own condition was such, that, if he spoke what he ought to do, he should be looked upon as a madman; if what was useful only to himself, as a slave; if nothing at

* Acclamate, inquit, Quirites, acclamate, dum licet: jam enim vobis impune facere non licebit. Val. Max. 6. 2.

† Da, inquit, prædes Reip. te, si postulatus fueris, civile bellum non excitaturum; etiam de tuo prius, quam de Manilii capite, in concilium judices mittam. Ib.

all, as quite oppressed and subdued: that his uneasiness was the greater, because he could not shew it without being thought ungrateful:—"Shall I "withdraw myself, then," says he, "from business, "and retire to the port of ease? That will not be "allowed to me. Shall I follow these leaders to "the wars, and, after having refused to command, "submit to be commanded? I will do so; for I "see that it is your advice, and wish that I had "always followed it: or, shall I resume my post, "and enter again into affairs? I cannot persuade "myself to that, but begin to think Philoxenus in "the right; who chose to be carried back to prison, "rather than commend the tyrant's verses. This is "what I am now meditating; to declare my dislike "at least of what they are doing."*

Such were the agitations of his mind at this time, as he frequently signifies in his letters: he was now at one of his villas, on the delightful shore of Baiæ, the chief place of resort and pleasure for the great and rich: Pompey came thither in April, and no sooner arrived, than he sent him his compliments, and spent his whole time with him: they had much discourse on public affairs, in which Pompey expressed great uneasiness, and owned himself dissatisfied with his own part in them; but Cicero, in his account of the conversation, intimates some suspicion of his sincerity.† In the midst of this company

* Tu quidem, etsi es natura πολιτικὸς, tamen nullam habes propriam servitutem: communi frueris nomine. Ego vero, qui, si loquor de Repub. quod oportet, insanus, si quod opus est, servus existimor, si taceo, oppressus et captus; quo dolore esse debeo? quo sum scilicet hoc etiam acriore, quod ne dolere quidem possum, ut non ingratus videar. Quid si cessare libeat et in otii portum confugere? Nequicquam. Immo etiam in bellum et in castra: ergo erimus ὀπαδοὶ qui ταγοὶ esse noluimus? Sic faciendum est; tibi enim ipsi, cui utinam semper paruissem, sic video placere. Reliqui est, Σπάρταν ἔλαχες, ταύταν κόσμει; non mehercule possum: et Philoxeno ignosco, qui reduci in carcerem maluit. Veruntamen id ipsum mecum in his locis commentor, ut ista improbem. Ad Att. 4. 6.

The story of Dionysius, the tyrant of Syracuse, and Philoxenus, the poet, is told by Diodorus Siculus. Lib. 15, p. 331.

† Pompeius in Cumanum Parilibus venit: misit ad me statim qui salutem nuntiaret: ad eum postridie mane vadebam. Ad Att. 4. x.

Nos hic cum Pompeio fuimus: sane sibi displicens; ut loquebatur; sic est enim in hoc homine dicendum.—In nos vero suavissime effusus; venit etiam ad me in Cumanum a se. Ib. 9.

A. Urb. 698. Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

and diversion, Cicero's entertainment was in his studies; for he never resided any where without securing to himself the use of a good library: here he had the command of Faustus's, the son of Sylla, and son-in-law of Pompey; one of the best collections of Italy; gathered from the spoils of Greece, and especially of Athens, from which Sylla brought away many thousand volumes. He had nobody in the house with him but Dionysius, a learned Greek slave, whom Atticus had made free, and who was entrusted with the education of the two young Ciceros, the son and the nephew: with this companion he was devouring books, since the wretched state of the public had deprived him, as he tells us, of all other pleasures. "I had much rather," says he, to Atticus, "be sitting on your little bench, "under Aristotle's picture, than in the curule chairs "of our great ones; or taking a turn with you, in "your walks, than with him, whom it must, I see, "be my fate to walk with: as for the success of "that walk, let Fortune look to it, or some god, if "there be any, who takes care of us."* He mentions, in the same letter, a current report at Puteoli, that King Ptolemy was restored; and desires to know what account they had of it at Rome: the report was very true; for Gabinius, tempted by Ptolemy's gold, and the plunder of Egypt, and encouraged also, as some write, by Pompey himself, undertook to replace him on the throne with his Syrian army; which he executed with a high hand, and the destruction of all the king's enemies, in open defiance of the authority of the senate and the direction of the sybil: this made a great noise at

* Ego hic pascor Bibliotheca Fausti. Fortasse tu putabas his rebus Puteolanis et Lucrinensibus. Ne ista quidem desunt. Sed mehercule a ceteris oblectationibus deseror et voluptatibus propter Rempub. sic literis sustentor et recreor: maloque in illa tua sedecula, quam habes sub imagine Aristotelis, sedere, quam in istorum sella curuli, tecumque apud te ambulare, quam cum eo, quocum video esse ambulandum. Sed de illa ambulatione fors videret, aut si qui est, qui curet Deus. Ib. 10.

Nos hic voramus literas cum homine mirifico, ita mehercule sentio, Dionysio. Ib. 11.

A. Urb. 698. Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

Rome, and irritated the people to such a degree, that they resolved to make him feel their displeasure for it, very severely, at his return.*

His colleague Piso came home the first, from his nearer government of Macedonia; after an inglorious administration of a province, whence no consular senator had ever returned but to a triumph. For though, on the account of some trifling advantage in the field, he had procured himself to be saluted emperor by his army, yet the occasion was so contemptible, that he durst not send any letters upon it to the senate; but, after oppressing the subjects, plundering the allies, and losing the best part of his troops, against the neighbouring barbarians, who invaded and laid waste the country, he ran away, in disguise, from a mutiny of the soldiers, whom he disbanded, at last, without their pay.† When he arrived at Rome, he stripped his fasces of their laurel, and entered the city obscurely and ignominiously, without any other attendance than his own retinue.‡ On his first appearance in public, trusting to the authority of his son-in-law, Cæsar, he had the hardiness to attack Cicero, and complain to the senate of his injurious treatment of him: but when he began to reproach him with the disgrace of his exile, the whole assembly interrupted him by a loud and general clamour.§ Among other things

* Vid. Dio. l. 39. p. 116, &c.

† Ex qua aliquot prætorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, qui non triumpharit. In Pison. 16.

Ut ex ea provincia, quæ fuit ex omnibus una maxime triumphalis, nullas sit ad senatum litteras mittere ausus. Nuntius ad senatum missus est nullus. Ib. 19.

Mitto de amissa maxima parte exercitus—20.—

Dyrrhachium ut venit decedens, obsessus est ab iis ipsis militibus—Quibus cum juratus affirmasset, se, quæ deberentur, postero die persolutuum; domum se abdidit: inde nocte intempesta crepidatus, veste servili navem conscendit—38.—

‡ Sic iste—Macedonicus Imperator in urbem se intulit, ut nullius negotiatoris obscurissimi reditus umquam fuerit desertior.—23.

Cum tu—detractam e cruentis fascibus lauream ad portam Esquilinam abjecisti. Ib. 30.

§ Tune ausus es meum discessum illum—Maledicti et contumeliæ loco ponere? Quo quidem tempore cepi, patres conscripti, fructum immortalem vestri in me amoris—qui non admurmuratione, sed voce et clamore abjecti hominis—petulantiam fregistis. Ib. 14.

A. Urb. 698. Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

with which he upbraided Cicero, he told him, that it was not any envy for what he had done, but the vanity of what he had said, which had driven him into exile; and that a single verse of his,

Celant arma Togæ, concedat laurea linguæ,

was the cause of all his calamity; by provoking Pompey to make him feel, how much the power of the general was superior to that of the orator: he put him in mind, also, that it was mean and ungenerous to exert his spleen only against such, whom he had reason to contemn, without daring to meddle with those who had more power, and where his resentment was more due.* But it had been better for him to have stifled his complaints, and suffered Cicero to be quiet; who, exasperated by his imprudent attack, made a reply to him upon the spot, in an invective speech, the severest, perhaps, that was ever spoken by any man, on the person, the parts, the whole life and conduct of Piso; which, as long as the Roman name subsists, must deliver down a most detestable character of him to all posterity. As to the verse, with which he was urged, he ridicules the absurdity of Piso's application of it, and tells him, that he had contrived a very extraordinary punishment for poor poets, if they were to be banished for every bad line: that he was a critic of a new kind; not an Aristarchus, but a grammatical Phalaris; who, instead of expunging the verse, was for destroying the author; that the verse itself could not imply any affront to any man whatsoever; that he was an ass, and did not know his letters, to imagine, that, by the gown, he meant his own gown; or by arms, the arms of any particular general; and not to see, that he was speaking only in the poetical style; and, as the one was the emblem of peace, the

* Non ulla tibi, inquit, invidia nocuit, sed versus tui.—Hæc res tibi fluctus illos excitavit—Tuæ dicis, inquit, Togæ, summum Imperatorem esse cessurum.—Paullo ante dixisti me cum iis confligere, quos despicerem: non attingere eos, qui plus possent, quibus iratus esse deberem. Ib. 29, 30, 31.

other of war, that he could mean nothing else, than that the tumults and dangers with which the city had been threatened, must now give way to peace and tranquillity; that he might have stuck a little indeed in explaining the latter part of the verse, if Piso himself had not helped him out; who, by trampling his own laurel under foot, at the gates of Rome, had declared how much he thought it inferior to every other kind of honour:—that as for Pompey, it was silly to think, that, after the volumes which he had written in his praise, one silly verse should make him at last his enemy; but that, in truth, he never was his enemy; and if, on a certain occasion, he had shewn any coldness towards him, it was all owing to the perfidy and malice of such as Piso; who were continually infusing jealousies and suspicions into him, till they had removed from his confidence all who loved either him or the Republic.*

About this time the theatre, which Pompey had built at his own charge, for the use and ornament of the city, was solemnly opened and dedicated: it is much celebrated by the ancients, for its grandeur and magnificence: the plan was taken from the theatre of Mytilene, but greatly enlarged, so as to receive commodiously forty thousand people. It was surrounded by a portico, to shelter the company in bad weather, and had a curia, or senate-house, annexed to it; with a basilica also, or grand hall, proper for the sittings of judges, or any other public business; which were all finished at

* Quoniam te non Aristarchum, sed grammaticum Phalarim habemus, qui non notam apponas ad malum versum, sed poëtam armis prosequare—Quid nunc te, Asine, literas doceam? Non dixi hanc togam, qua sum amictus, nec arma, scutum et gladium unius Imperatoris: sed quod pacis est insigne et otii, togam; contra autem arma, tumultus ac belli, more pootarum locutus, hoc intelligi volui, bellum ac tumultum paci atque otio concessurum—in altero—hærerem, nisi tu expedisses. Nam cum tu—detractam e cruentis fascibus lauream ad portam Esquilinam abjecisti, indicasti, non modo amplissimæ, sed etiam minimæ laudi lauream concessisse—Vis Pompeium isto versu inimicum mihi esse factum—Primo nonne compensabit cum uno versiculo tot mea volumina laudum suarum? Vestræ fraudes,—vestræ criminationes insidiarum meæ—effecerunt ut ego excluderer, &c. In Pison. 30. 31.

A. Urb. 698. Cic. 52. Cos.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

Pompey's cost, and adorned with a great number of images, formed by the ablest masters, of men and women, famed for something very remarkable or prodigious in their lives and characters.* Atticus undertook the care of placing all these statues, for which Pompey charged Cicero with his thanks to him;† but what made this fabric the more surprising and splendid, was a beautiful temple, erected at one end of it to Venus the Conqueress; and so contrived, that the seats of the theatre might serve as stairs to the temple. This was designed, it is said, to avoid the reproach of making so vast an expense for the mere use of luxury: the temple being so placed, that those who came to the shows, might seem to come to worship the goddess.‡

At the solemnity of this dedication, Pompey entertained the people with the most magnificent shows, which had ever been exhibited in Rome: in the theatre, were stage-plays, prizes of music, wrestling, and all kinds of bodily exercises: in the circus, horse-races, and huntings of wild beasts, for five days successively, in which five hundred lions were killed, and on the last day, twenty elephants; whose lamentable howling, when mortally wounded, raised such a commiseration in the multitude, from a vulgar notion of their great sense and love to man, that it destroyed the whole diversion of the show, and drew curses on Pompey himself, for being the author of so much cruelty:§

* Pompeius Magnus in ornamentis theatri mirabiles fama posuit imagines; ob id diligentius magnorum artificum ingeniis elaboratas: inter quas legitur Eutyche, a viginti liberis rogo illata, enixa triginta partus; Alcippe, Elephantum. Plin. Hist. 7. 5.

† Tibi etiam gratias agebat, quod signa componenda suscepisses. Ad Att. 4. 9.

‡ Quum Pompeius, inquit, ædem Victoriæ dedicaturus esset, cujus gradus vicem theatri essent, &c. A. Gell. X. 1. Vid. Tertull. de Spectac.

Dion. Cassius mentions it, as a tradition he had met with, that this theatre was not really built by Pompey, but by his freedman, Demetrius, who had made himself richer than his master, by attending him in his wars; and, to take off the envy of raising so vast an estate, laid out a considerable part of it upon the theatre, and gave the honour of it to Pompey. Dio, p. 107. Senec. de Tranq. Anim. c. 8.

§ Magnificentissima vero Pompeii nostri munera in secundo Consulatu. De Offic. 2. 16.

so true it is, what Cicero observes of this kind of prodigality, that there is no real dignity, or lasting honour in it: that it satiates, while it pleases, and is forgotten, as soon as it is over.* It gives us, however, a genuine idea of the wealth and grandeur of these principal subjects of Rome: who, from their private revenues, could raise such noble buildings, and provide such shows, from the several quarters of the world, which no monarch on earth is now able to exhibit.

Cicero, contrary to his custom, was present at these shows, out of compliment to Pompey, and gives a particular account of them to his friend M. Marius, who could not be drawn by them from his books and retreat in the country. "The old "actors," says he, "who had left the stage, came "on to it again in honour to Pompey; but, for the "sake of their own honour, ought rather to have "staid away; our friend Æsopus appeared to be "quite sunk and worn out; so that all people "seemed willing to grant him his quietus; for, in "attempting to raise his voice, where he had oc-"casion to swear, his speech faultered and failed "him. In the other plays, the vast apparatus, and "crowded machinery which raised the admiration "of the mob, spoiled the entertainment: six hun-"dred mules, infinite treasures of plate, troops of "horse and foot fighting on the stage. The hunt-"ings, indeed, were magnificent; but what plea-"sure, to a man of taste, to see a poor weak fellow "torn to pieces by a fierce beast; or, a noble beast "struck dead with a spear: the last day's show of

Pompeii quoque altero Consulatu, dedicatione templi Veneris victricis, pugnavere in Circo viginti elephantes. Amissa fugæ spe misericordiam vulgi inenarrabili habitu querentes supplicavere, quadam, sese lamentatione complorantes, tanto populi dolore, ut oblitus Imperatoris. Flens universus consurgeret, dirasque Pompeio, quas ille mox luit, pœnas imprecaretur. Plin. l. 8. 7. Vid. Dio, l. 39. p. 107. It. Plut. in Pomp.

* In his infinitis sumptibus, nihil nos magnopere mirari: cum nec necessitati subveniatur, nec dignitas augeatur: ipsaque illa delectatio multitudinis sit ad breve exiguumque tempus; in quo tamen ipso una cum satietate memoria quoque moriatur voluptatis. De Offic. 2. 16.

A. Urb. 698. Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

" elephants, instead of delight, raised a general " compassion, and an opinion of some relation be- " tween that animal and man: but, lest you should " think me wholly happy, in these days of diver- " sion, I have almost burst myself in the defence " of your friend Gallus Caninius. If the city " would be as kind to me, as they are to Æsopus, " I would willingly quit the stage, to live with you, " and such as you, in a polite and liberal ease."*

The city continued, for a great part of this summer, without its annual magistrates: for the elections, which had been postponed from the last year, were still kept off by the consuls, till they could settle them to their minds, and secure them to their own creatures: which they effected, at last, except in the case of two tribunes, who slipped into the office against their will: but the most remarkable repulse was, of M. Cato from the prætorship, which was given to Vatinius; from the best citizen to the worst. Cato, upon his return from the Cyprian voyage, was complimented by the senate, for that service, with the offer of the prætorship in an extraordinary manner.† But he declined the compliment, thinking it more agreeable to his character to obtain it in the ordinary way, by the free choice of the people: but when the election came on, in which he was thought sure of success, Pompey broke up the assembly, on pretence of somewhat inauspicious in the heavens, and, by intrigue and management, got Vatinius declared prætor, who had been repulsed the year before, with disgrace, from the ædileship:‡ but this being carried by force of money, and likely to produce an impeachment of Vatinius, Afranius moved for a decree,

* Ep. Fam. 7. 1.

† Cujus ministerii gratia Senatus relationem interponi jubebat, ut prætoriis comitiis extra ordinem ratio ejus haberetur. Sed ipse id fieri passus non est. Val. Max. 4. 1. Plut. in Cato.

‡ Proxima dementiæ suffragia—quoniam quem honorem Catoni negaverant, Vatinio dare coacti sunt. Val. Max. 7. 5. Plut. in Pomp.

A. Urb. 698. Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

that the prætors should not be questioned for bribery after their election, which passed, against the general humour of the senate, with an exception only of sixty days, in which they were to be considered as private men. The pretence for the decree was, that so much of the year being spent, the whole would pass without any prætors at all, if a liberty of impeaching was allowed. "From this "moment," says Cicero, "they have given the ex- "clusion to Cato; and, being masters of all, resolve "that all the world shall know it."*

Cicero's Palatine house, and the adjoining portico of Catulus, were now finished, and, as he and his brother were the curators, likewise, of the repairs of the temple of Tellus,† so they seem to have provided some inscriptions for these buildings, in honour and memory of themselves: but, since no public inscriptions could be set up, unless by public authority, they were apprehensive of an opposition from Clodius. Cicero mentioned the case to Pompey, who promised his assistance, but advised him to talk also with Crassus, which he took occasion to do, as he attended him home one day from the senate. Crassus readily undertook the affair, and told him, that Clodius had a point to carry for himself, by Pompey's help and his, and that, if Cicero would not oppose Clodius, he was persuaded that Clodius would not disturb him; to which Cicero consented. Clodius's business was, to procure one of those free or honorary lieutenancies, that he might go with a public character to Byzantium and king Brogitarus, to gather the money which they owed him for past services. "As it is a mere money matter," says Cicero, "I

* A. D. III. id. Maii S. C. factum est de ambitu in Afranii sententiam. Sed magno cum gemitu Senatus. Consules non sunt persecuti eorum sententias: qui Afranio cum essent assensi addiderunt, ut prætores ita crearentur, ut dies LX. privati essent.—Eo die Catonem plane repudiarunt. Quid multa? Tenent omnia, idque ita omnes intelligere volunt. Ad Quint. 2. 9.

† Quod Ædes Telluris est curationis meæ. De Harusp. resp. 14.

A. Urb. 698. Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

" shall not concern myself about it, whether I gain " my own point or not, though Pompey and Cras- " sus have jointly undertaken it; but he seems to " have obtained what he desired, since, besides the " intended inscriptions, he mentions a statue also " of his brother, which he had actually erected at " the temple of Tellus."*

Trebonius, one of the tribunes in the interests of the triumvirate, published a law, for the assignment of provinces to the consuls for the term of five years: to Pompey, Spain and Afric; to Crassus, Syria, and the Parthian war, with a power of raising what forces they thought fit: and that Cæsar's commission should be renewed also for five years more. The law was opposed by the generality of the senate; and, above all, by Cato, Favonius, and two of the tribunes, C. Ateius Capito, and P. Aquilius Gallus: but the superior force of the consuls and the other tribunes prevailed, and cleared the Forum by violence of all their opponents. The law no sooner passed, than Crassus began to prepare for his eastern expedition; and was in such haste to set forward, that he left Rome above two months before the expiration of his consulship: his eagerness to involve the Republic in a desperate war, for which the Parthians had given no pretext, was generally detested by the city: the tribune Ateius declared it impious, and prohibited by all the auspices, and denounced direful imprecations against it; but finding Crassus determined to march, in defiance of all religion, he waited for him at the gates of the city, and, having dressed up a little altar, stood ready with a fire and sacrifice to de-

* Multa nocte cum Vibullio veni ad Pompeium. Cumque ego egissem de istis operibus et inscriptionibus, per mihi benigne respondit. Cum Crasso se dixit loqui velle, mihique, ut idem facerem suasit. Crassum Consulem ex Senatu domum reduxi: suscepit rem, dixitque esse quod Clodius hoc tempore cuperet se, et per Pompeium consequi. Putare se, si ego eum non impedirem, posse me adipisci sine contentione quod vellem, &c. Ad Quint. 2. 9.

Reddita est mihi pervetus epistola; in qua de Æde Telluris, et de porticu Catuli me admones. Fit utrumque diligenter. Ad Telluris etiam tuam statuam locavi. Ib 3. 1.

A. Urb. 698. Cic. 52. Coss.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

vote him to destruction.* Ateius was afterwards turned out of the senate by Appius, when he was censor, for falsifying the auspices on this occasion; but the miserable fate of Crassus supported the credit of them; and confirmed the vulgar opinion of the inevitable force of those ancient rites, in drawing down the divine vengeance on all, who presumed to contemn them.† Appius was one of the augurs; and the only one of the college, who maintained the truth of their auguries, and the reality of divination; for which he was laughed at by the rest; who charged him also with an absurdity, in the reason, which he subscribed, for his censure upon Ateius, viz. that he had falsified the auspices, and brought a great calamity on the Roman people: for if the auspices, they said, were false, they could not possibly have any effect, or be the cause of that calamity.‡ But though they were undoubtedly forged, it is certain, however, that they had a real influence on the overthrow of Crassus: for the terror of them had deeply possessed the minds of the soldiers, and made them turn every thing which they saw, or heard, to an omen of their ruin; so that when the enemy appeared in sight, they were struck with such a panic, that they had not courage or spirit enough left, to make a tolerable resistance.

Crassus was desirous, before he left Rome, to be reconciled to Cicero: they had never been real friends, but generally opposite in party; and Cicero's early engagements with Pompey kept him, of course, at a distance from Crassus: their cold-

* Dio, l. 39. p. 109. Plut. in Crass.

† M. Crasso quid acciderit, videmus, dirarum obnunciatione neglecta. De Divin. 1. 16.

‡ Solus enim multorum annorum memoria, non decantandi Augurii, sed divinandi tenuit disciplinam: quem irridebant collegæ tui, eumque tum Pisidam, tum Soranum Augurem esse dicebant. Quibus nulla videbatur in Auguriis aut Auspiciis præsensio. Ib. 47.

In quo Appius, bonus Augur.—Non satis scienter—Civem egregium, Ateium censor notavit, quod mentitum auspicia subscripserit.—Quæ si falsa fuisset nullam adferre potuisset causam calamitatis. Ib. 16.

A. Urb. 698. Cic. 52. Cos.—Cn. Pompeius Magnus II. M. Licinius Crassus II.

ness was still increased on account of Catiline's plot, of which Crassus was strongly suspected; and charged Cicero with being the author of that suspicion: they carried it, however, on both sides, with much decency; out of regard to Crassus's son, Publius, a professed admirer and disciple of Cicero; till an accidental debate in the senate blew up their secret grudge into an open quarrel. The debate was upon Gabinius, whom Crassus undertook to defend, with many severe reflections upon Cicero; who replied, with no less acrimony, and gave a free vent to that old resentment of Crassus's many injuries, which had been gathering, he says, several years, but lain dormant so long, that he took it to be extinguished, till, from this accident, it burst out into a flame. The quarrel gave great joy to the chiefs of the senate, who highly applauded Cicero, in hopes to embroil him with the triumvirate: but Pompey laboured hard to make it up, and Cæsar also, by letter, expressed his uneasiness upon it; and begged it of Cicero, as a favour, to be reconciled with Crassus; so that he could not hold out against an intercession so powerful, and so well enforced by his affection to young Crassus: their reconciliation was confirmed by mutual professions of a sincere friendship for the future; and Crassus, to give a public testimony of it to the city, invited himself, just before his departure, to sup with Cicero; who entertained him in the gardens of his son-in-law, Crassipes.* These gardens were upon the banks of the Tiber, and seem to have been famous for their beauty

* Repentinam ejus Gabinii defensionem—Si sine ulla mea contumelia susceptisset, tulissem; sed cum me disputantem, non lacessentem læsisset, exarsi non solum præsenti, credo, iracundia (nam ea tam vehemens fortasse non fuisset) sed cum inclusum illud odium multarum ejus in me injuriarum, quod ego effudisse me omne arbitrabar, residuum tamen insciente me fuisset, omne repente apparuit—Cumque Pompeius ita contendisset, ut nihil unquam magis, ut cum Crasso redirem in gratiam; Cæsarque per literas maxima se molestia ex illa contentione affectum ostenderet: habui non temporum solum meorum rationem, sed etiam naturæ. Crassu que ut quasi testata populo Rom. esset nostra gratia, pæne a meis Laribus in provinciam est profectus. Nam cum mihi condixisset, cœnavit apud me in mei generi Crassipedis hortis. Ep. Fam. 1. 9,.

and situation:* and are the only proof which we meet with of the splendid fortunes and condition of Crassipes.

Cicero spent a great part of the summer in the country, in study and retreat; pleased, he says, that he was out of the way of those squabbles, where he must either have defended what he did not approve, or deserted the man whom he ought not to forsake.† In this retirement, he put the last hand to his piece, on the Complete Orator, which he sent to Atticus, and promises also to send to Lentulus; telling him, that he had intermitted his old task of orations, and betaken himself to the milder and gentler studies; in which he had finished, to his satisfaction, three books, by way of dialogue, on the subject of the orator, in Aristotle's manner, which would be of use to his son, young Lentulus, being drawn, not in the ordinary way of the schools, and the dry method of precepts, but comprehending all that the ancients, and especially Aristotle and Isocrates, had taught on the institution of an orator.‡

The three books contain as many dialogues, upon the character and idea of the perfect orator: the principal speakers were P. Crassus and M. Antonius; persons of the first dignity in the Republic, and the greatest masters of eloquence, which Rome had then known: they were nearly forty years older than Cicero, and the first Romans who could pretend to dispute the prize of oratory with the Greeks, and who carried the Latin tongue to a degree of perfection, which left little or no room for any farther improvement.‖ The disputation was undertaken at

* Ad Quint. 3. 7. Ad. Att. 4. 12.

† Ego afuisse me in altercationibus, quas in Senatu factas audio, fero non moleste; nam aut defendissem quod non placeret, aut defuissem cui non oporteret. Ad Att. 4. 13.

‡ Scripsi etiam, (nam ab orationibus dijungo me fere, referoque ad mansuetiores musas) scripsi igitur Aristoteleo more, quemadmodum quidem volui, tres libros in disputatione et dialogo de Oratore, quos arbitror Lentulo tuo non fore inutiles. Abhorrent enim a communibus præceptis; ac omnem antiquorum, et Aristoteleam et Isocrateam rationem oratoriam complectuntur. Ep, Fam. 1. 9.

‖ Crassus—quatuor et triginta tum habebat annos, totidemque annis mihi ætate

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the desire and for the instruction of two young orators of great hopes, C. Cotta and P. Sulpicius, who were then beginning to flourish at the bar: Cicero himself was not present at it, but being informed by Cotta, of the principal heads, and general argument of the whole, supplied the rest from his own invention, agreeably to the different style and manner, which those great men were known to pursue; and with design to do honour to the memory of them both, but especially of Crassus, who had been the director of his early studies; and to whom he assigns the defence of that notion, which he himself always entertained, of the character of a consummate speaker.*

Atticus was exceedingly pleased with this treatise, and commended it to the skies; but objected to the propriety of dismissing Scævola from the disputation, after he had once been introduced into the first dialogue. Cicero defends himself by the example of their god, Plato, as he calls him, in his book on Government; where the scene being laid in the house of an old gentleman, Cephalus, the old man, after bearing a part in the first conversation, excuses himself that he must go to prayers, and returns no more; Plato not thinking it suitable to the character of his age, to be detained in the company through so long a discourse: that, with greater reason, therefore, he had used the same caution in the case of Scævola; since it was not decent to suppose a per-

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præstabat—Triennio ipso minor quam Antonius, quod idcirco posui, ut dicendi Latine prima maturitas qua ætate extitisset, posset notari: et intelligeretur, jam ad summum pæne esse perductam, ut eo nihil ferme quisquam addere posset nisi qui a philosophia, a jure civili, ab historia fuisset instructior. Brut. 275.

Nunc ad Antonium, Crassumque pervenimus. Nam ego sic existimo hos oratores fuisse maximos: et in his primum cum Græcorum gloria latine dicendi copiam æquatam. Ib. 250.

* Nos enim, qui ipsi sermoni non interfuissemus, et quibus C. Cotta tantummodo locos, ac sententias hujus disputationis tradidisset, quo in genere orationis utrumque oratorem cognoveramus, id ipsum sumus in eorum sermone adumbrare conati. De Orat. 3. 4.

Ut ei, (Crasso) et si nequaquam parem illius ingenio, at pro nostro tamen studio meritam gratiam debitamque referamus. Ib.

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son of his dignity, extreme age, and infirm health, spending several days successively in another man's house: that the first day's dialogue related to his particular profession, but the other two turned chiefly on the rules and precepts of the art, where it was not proper for one of Scævola's temper and character to assist only as a hearer.* This admirable work remains entire, a standing monument of Cicero's parts and abilities; which, while it exhibits to us the idea of a perfect orator, and marks out the way, by which Cicero formed himself to that character, it explains the reason, likewise, why nobody has since equalled him, or ever will, till there be found again united, what will hardly be found single in any man, the same industry, and the same parts.

Cicero returned to Rome, about the middle of November, to assist at Milo's wedding, who married Fausta, a rich and noble lady, the daughter of Sylla the dictator;† with whom, as some writers say, he found Sallust, the historian, in bed, not long after, and had him soundly lashed, before he dismissed him. The consuls, Pompey and Crassus, having reaped all the fruit, which they had proposed from the consulship, of securing to themselves the provinces which they wanted, were not much concerned about the choice of their successors; so that, after postponing the election to the end of the year, they gave way, at last, to their enemy, L. Domitius Ahenobarbus; being content to have joined with him their friend, Appius Claudius Pulcher.

* Quod in iis libris, quos laudas, personam desideras Scævolæ. Non eam temere dimovi, sed feci idem, quod in πολιτείᾳ Deus ille noster, Plato. Cum in Piræeum Socrates venisset ad Cephalum, locupletem et festivum senem, quoad primus ille sermo haberetur adest in disputando Senex, &c. Ad Att. 4. 16.

† Ad Att. 4. 13. 5. 8.

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As soon as the new year came on, Crassus's enemies began to attack him in the senate: their design was to revoke his commission, or abridge it, at least, of the power of making war upon the Parthians: but Cicero exerted himself so strenuously in his defence, that he baffled their attempts, after a warm contest with the consuls themselves, and several of the consular senators. He gave Crassus an account of the debate, by letter, in which he tells him, that he had given proof, not only to his friends and family, but to the whole city, of the sincerity of his reconciliation; and assures him of his resolution to serve him, with all his pains, advice, authority, interest, in every thing great or small, which concerned himself, his friends, or clients; and bids him look upon that letter, as a league of amity, which, on his part, should be inviolably observed.*

The month of February being generally employed in giving audience to foreign princes and ambassadors, Antiochus, king of Comagene, a territory on the banks of the Euphrates,† preferred a petition to the senate, for some new honour, or privilege, which was commonly decreed to princes in alliance with the Republic: but Cicero, being in a rallying humour, made the petition so ridiculous, that the house rejected it, and, at his motion, reserved, likewise, out of his jurisdiction, one of his principal towns, Zeugma, in which was the chief bridge and passage over the Euphrates. Cæsar, in his consulship, had granted to this king the honour of the prætexta, or the robe of the Roman magistrates; which was always disagreeable to the nobility, who did not care to see these petty princes put upon the same rank with themselves; so that Cicero, calling out upon the nobles, "will you," says he, "who "refused the prætexta to the king of Bostra, suffer

* Has literas velim existimes fœderis habituras esse vim, non epistolæ; meque ea, quæ tibi promitto ac recipio, sanctissime esse observaturum. Ep. Fam. 5. 8.

† Ep. Fam. 15. 1. 3. 4.

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"this Comagenian to strut in purple?" But this disappointment was not more mortifying to the king, than it was to the consuls, whose best perquisites were drawn from these compliments, which were always repaid by rich presents; so that Appius, who had been lately reconciled to Cicero, and paid a particular court to him at this time, applied to him, by Atticus, and their common friends, to suffer the petitions of this sort to pass quietly, nor destroy the usual harvest of the month, and make it quite barren to him.*

Cicero made an excursion this spring to visit his several seats and estates in the country; and, in his Cuman villa, began "A Treatise on Politics; or, on "the best State of a City, and the Duties of a "Citizen:" he calls it a great and laborious work, yet, worthy of his pains, if he could succeed in it; "if not, I shall throw it," says he, "into that sea "which is now before me, and attempt something "else, since it is impossible for me to be idle." It was drawn up in the form of a dialogue, in which the greatest persons of the old Republic were introduced, debating on the origin and best constitution of government; Scipio, Lælius, Philus, Manilius, &c.† The whole was to be distributed into nine books, each of them the subject of one day's disputation: when he had finished the two first, they were read in his Tusculan villa, to some of his friends: where Sallust, who was one of the com-

* De Comageno rege, quod rem totam discusseram, mihi et per se et per Pomponium blanditur Appius. Videt enim, si hoc genere dicendi utar in cæteris, Februarium sterilem futurum. Eumque lusi jocose satis: neque solum illud extorsi oppidulum, quod erat positum in Euphrate, Zeugma; sed præterea togam ejus prætextam, quam erat adeptus Cæsare consule, magno hominum risu cavillatus.—Vos autem homines nobiles, qui Bostrenum prætextatum non ferebatis, Comagenum feretis?—Multa dixi in ignobilem regem, quibus totus est explosus. Quo genere commotus Appius totam me amplexatur. Ad Quint. 2. 12.

† Scribebam illa, quæ dixeram πολιτικά, spissum sane opus et operosum: sed si ex sententia successerit, bene erit opera posita; sin minus, in illud ipsum mare dejiciemus, quod scribentes spectamus; aggrediemur alia, quoniam quiescere non possumus. Ib. 14.

Hanc ego, quam institui, de Repub. disputationem in Africani personam et Phili, et Lælii et Manilii contuli, &c.—Rem, quod te non fugit, magnam complexus sum et gravem, et plurimi otii, quod ego maxime egeo. Ad Att. 4. 16.

pany, advised him to change his plan, and treat the subject in his own person, as Aristotle had done before him; alleging, that the introduction of those ancients, instead of adding gravity, gave an air of romance to the argument, which would have the greater weight, when delivered from himself, as being the work, not of a little sophist, or contemplative theorist, but of a consular senator and statesman, conversant in the greatest affairs, and writing what his own practice, and the experience of many years, had taught him to be true. These reasons seemed very plausible, and made him think of altering his scheme: especially, since, by throwing the scene so far back, he precluded himself from touching on those important revolutions of the Republic, which were later than the period to which he confined himself: but, after some deliberation, being unwilling to throw away the two books already finished, with which he was much pleased, he resolved to stick to the old plan, and as he had preferred it from the first, for the sake of avoiding offence, so he pursued it without any other alteration, than that of reducing the number of books from nine to six; in which form they were afterwards published, and survived him for several ages, though now unfortunately lost.*

From the fragments of this work, which still remain, it appears to have been a noble performance, and one of his capital pieces; where all the important questions in politics and morality were dis-

* Sermo autem in novem et dies et libros distributus de optimo statu civitatis et de optimo cive.—Hi libri, cum in Tusculano mihi legerentur, audiente Sallustio; admonitus sum ab illo, multo majore auctoritate illis de rebus dici posse, si ipse loquerer de Repub. præsertim cum essem, non Heraclides Ponticus, sed consularis, et is, qui in maximis versatus in Repub. rebus essem: quæ tam antiquis hominibus attribuerem, ea visum iri ficta esse. Commovit me, et eo magis, quod maximos motus nostræ civitatis attingere non poteram, quod erant inferiores, quam illorum ætas qui loquebantur. Ego autem id ipsum tum eram secutus, ne in nostra tempora incurrens offenderem quempiam. Ad Quint. 3. 5.

This will solve that variation which we find in his own account of this work, in different parts of his writings: and why Fannius, who in some places is declared to be a speaker in it, [Ad Att. 4. 16. Ad Quint. 3. 5.] is denied to be so in others; being dropped, when the number of books was contracted.

cussed with the greatest elegance and accuracy; of the origin of society; the nature of law and obligation; the eternal difference of right and wrong; of justice being the only good policy, or foundation either of public or private prosperity: so that he calls his six books, so many pledges given to the public for the integrity of his conduct.* The younger Scipio was the principal speaker of the dialogue, whose part it was, to assert the excellence of the Roman constitution, preferably to that of all other states:† who, in the sixth book, under the fiction of a dream, which is still preserved to us, takes occasion to inculcate the doctrine of the immortality of the soul and a future state, in a manner so lively and entertaining, that it has been the standing pattern, ever since, to the wits of succeeding ages, for attempting the same method of instilling moral lessons, in the forms of dreams or visions.

He was now drawn at last into a particular intimacy and correspondence of letters with Cæsar, who had long been endeavouring to engage him to his friendship, and, with that view, had invited his brother Quintus to be one of his lieutenants in Gaul; where Quintus, to pay his court the better to his general, joined heartily in pressing his brother to an union with him, instead of adhering so obstinately to Pompey, who, as he tells him, was neither so sincere, nor so generous a friend as Cæsar.‡ Cicero did not dislike the advice, and expressed a readiness to comply with it, of which Balbus gave an intimation to Cæsar, with a letter, also inclosed, from Cicero himself; but the packet happening to fall into water, the letters were all destroyed, except a scrap or two of Balbus's, to which Cæsar returned answer; "I perceive, that

* Cum sex libris, tanquam prædibus me ipsum obstrinxerim, quos tibi tam valde probari gaudeo. Ad Att. 6. 1.

† An censes, cum in illis de Repub. libris persuadere videatur Africanus, omnium Rerumpub. nostram veterem illam fuisse optimam. De Leg. 2. x. vid. ib. 1. 6. 9.

‡ De Pompeio assentior tibi, vel tu potius mihi, nam, ut scis, jampridem istum sanctum Cæsarem. Ad Quint. 2. 13.

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"you had written somewhat about Cicero, which "I could not make out; but, as far as I can guess, "it was something rather to be wished, than hoped "for."* But Cicero sent another copy of the same letter, which came safe to his hands, written, as he says, in the familiar style, yet without departing from his dignity. Cæsar answered him with all imaginable kindness, and the offer of every thing, in which his power could serve him, telling him, how agreeable his brother's company was to him, by the revival of their old affection: and since he was now removed to such a distance from him, he would take care, that, in their mutual want of each other, he should have cause at least to rejoice, that his brother was with him, rather than any one else. He thanks him, also, for sending the lawyer Trebatius to him, and says upon it, jocosely, that there was not a man before in his army, who knew how to draw a recognizance. Cicero, in his account of this letter to his brother, says, "it is kind "in you, and like a brother, to press me to this "friendship, though I am running that way apace, "myself, and shall do, what often happens to tra- "vellers, who, rising later than they intended, yet, "by quickening their speed, come sooner to their "journey's end than if they had set out earlier; so "I, who have over-slept myself in my observance "of this man, though you were frequently rousing "me, will correct my past laziness by mending "my pace for the future." But as to his seeking any advantage or personal benefit from this alliance, "believe me," says he, "you who know me, I "have from him already what I most value, the "assurance of his affection, which I prefer to all

* Ille scripsit ad Balbum, fasciculum illum epistolarum, in quo fuerat et mea et Balbi, totum sibi aqua madidum esse: ut ne illud quidem sciat, meam fuisse aliquam epistolam. Sed ex Balbi epistola pauca verba intellexerat, ad quæ rescripsit his verbis. De Cicerone video te quiddam scripsisse, quod ego non intellexi; quantum autem conjectura consequebar, id erat hujusmodi, ut magis optandum, quam sperandum putarem. Ad Quint. 2. 12.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

"the great things that he offers me—."* In another letter, he says; "I lay no great stress on "his promises, want no farther honours, nor de- "sire any new glory, and wish nothing more but "the continuance of his esteem, yet live still in "such a course of ambition and fatigue, as if I "were expecting what I do not really desire."†

But though he made no use of Cæsar's generosity for himself, yet he used it freely for his friends; for, besides his brother, who was Cæsar's lieutenant, and Trebatius, who was his lawyer, he procured an eminent post for Orfius, and a regiment for Curtius; yet Cæsar was chiding him, all the while, for his reservedness in asking.‡ His recommendatory letter of Trebatius, will shew both what a share he possessed, at this time, of Cæsar's confidence, and with what an affectionate zeal he used to recommend his friends.

CICERO TO CÆSAR, EMPEROR.

"See, how I have persuaded myself to consider "you as a second self; not only in what affects "my own interest, but in what concerns my friends: "I had resolved, whithersoever I went abroad, to "carry C. Trebatius along with me, that I might "bring him home, adorned with the fruits of my

* Cum Cæsaris literis, refertis omni officio, diligentia, suavitate—Quarum initium est, quam suavis ei tuus adventus fuerit, et recordatio veteris amoris; deinde se effecturum, ut ego in medio dolore ac desiderio tui, te, cum a me abesses, potissimum secum esse lætarer.—Trebatium quod ad se miserim, persalse et humaniter etiam gratias mihi agit: negat enim in tanta multitudine eorum, qui una essent, quempiam fuisse, qui vadimonium concipere posset.—

Quare facis tu quidem fraterne, quod me hortaris, sed mehercule currentem nunc quidem, ut omnia mea studia in istum unum conferam, &c.

Sed mihi crede, quem nosti, quod in istis rebus ego plurimi æstimo, jam habeo:—deinde Cæsaris tantum in me amorem, quem omnibus his honoribus, quos a me a se expectare vult, antepono. Ad Quint. 2. 15.

† Promissis iis, quæ ostendit, non valde pendeo: nec honores sitio, nec desidero gloriam: magisque ejus voluntatis perpetuitatem, quam promissorum exitum expecto. Vivo tamen in ea ambitione et labore, tanquam id, quod non postulo, expectem. Ib. 3. 5.

‡ M. Curtio Tribunatum ab eo petivi. Ib. 2. 15. Ep. Fam. 7. 5.

De Tribunatu—mihi ipse Cæsar nominatim Curtio paratum esse rescripsit, meamque in rogando verecundiam objurgavit. Ad Quint. 3. 1.

"care and kindness; but since Pompey's stay in "Rome has been longer than I expected, and my "own irresolution, to which you are no stranger, "will either wholly hinder, or, at least, retard my "going abroad at all; see what I have taken upon "myself: I began presently to resolve, that Tre- "batius should expect the same things from you, "which he had been hoping for from me; nor did "I assure him with less frankness of your good "will, than I used to do of my own; but a won- "derful incident fell out, both as a testimony of "my opinion, and a pledge of your humanity; for "while I was talking of this very Trebatius, at my "house, with our friend Balbus, your letter was "delivered to me, in the end of which you said, "as to M. Orfius, whom you recommended to me, "I will make him even king of Gaul, or lieutenant "to Lepta; send me another, therefore, if you "please, whom I may prefer. We lifted up our "hands, both I and Balbus; the occasion was so "pat, that it seemed not to be accidental, but di- "vine. I send you, therefore, Trebatius; and send "him so, as at first indeed I designed, of my own "accord, but now also by your invitation: em- "brace him, my dear Cæsar, with all your usual "courtesy; and whatever you could be induced to "do for my friends, out of your regard to me, con- "fer it all singly upon him. I will be answerable "for the man; not in my former style, which you "justly rallied, when I wrote to you about Milo, "but in the true Roman phrase, which men of "sense use; that there is not an honester, worthier, "modester man living; I must add, what makes "the principal part of his character, that he has a "singular memory, and perfect knowledge of the "civil law. I ask for him, neither a regiment, nor "government, nor any certain piece of preferment: "I ask your benevolence and generosity; yet am "not against the adorning him, whenever you shall

"think proper, with those trappings also of glory: "in short, I deliver the whole man to you, from "my hand, as we say, into your's, illustrious for "victory and faith. But I am more importunate "than I need to be to you; yet I know you will "excuse it. Take care of your health, and con- "tinue to love me, as you now do."*

Trebatius was of a lazy, indolent, studious temper; a lover of books and good company, eagerly fond of the pleasures of Rome, and wholly out of his element in a camp; and because Cæsar, through the infinite hurry of his affairs, could not presently admit him to his familiarity, and prefer him so soon as he expected, he was tired of the drudgery of attending him, and impatient to be at home again. Under these circumstances, there is a series of letters to him from Cicero, written not only with the disinterested affection of a friend, but the solicitude even of a parent, employing all the arts of insinuation, as well of the grave, as of the facetious kind, to hinder him from ruining his hopes and fortunes by his own imprudence. He laughs at his childish hankering after the city; bids him reflect on the end for which he went abroad, and pursue it with constancy; observes, from the Medea of Euripides, that many had served themselves and the public well, at a distance from their country; whilst others, by spending their lives at home, had lived and died ingloriously; "of which number," says he, "you "would have been one, if we had not thrust you "out; and since I am now acting Medea, take this "other lesson from me, that he, who is not wise for "himself, is wise to no purpose."† He rallies his

* Ep. Fam. 7. 5.

† Tu modo ineptias istas et desideria urbis et urbanitatis depone: et quo consilio profectus es, id assiduitate et virtute consequere.—

Nam multi suam rem bene gessere et poplicam, patria procul.
Multi, qui domi ætatem agerent, propterea sunt improbati.

Quo in numero tu certe fuisses, nisi te extrusissemus; et quando Medeam agere cœpi, illud semper memento, qui ipse sibi sapiens prodesse non quit, nequicquam sapit. Ep. Fam. 7. 6.

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impatience, or rather imprudence; as if he had carried a bond, not a letter, to Cæsar; and thought that he had nothing to do, but to take his money and return home; not recollecting, that even those who followed king Ptolemy with bonds to Alexandria, had not yet brought back a penny of money.* "You write me word," says he, "that he consults "your interest.† Let me die if I do not believe; "(such is your vanity) that you had rather be con- "sulted than enriched by him."‡ By these railleries and perpetual admonitions, he made Trebatius ashamed of his softness, and content to stay with Cæsar, by whose favour and generosity he was cured, at last, of all his uneasiness; and, having here laid the foundation of his fortunes, flourished afterwards, in the court of Augustus, with the character of the most learned lawyer of that age.‖

Cæsar was now upon his second expedition into Britain; which raised much talk and expectation at Rome, and gave Cicero no small concern for the safety of his brother, who, as one of Cæsar's lieutenants, was to bear a considerable part in it.§ But the accounts which he received from the place, soon eased him of his apprehensions, by informing him, that there was nothing either to fear or to hope from the attempt; no danger from the people, no spoils from the country.¶ In a letter to Atticus, "we are in suspense," says he, "about the British "war: it is certain, that the access of the island is

* Subimpudens videbare; tanquam enim syngraphum ad Imperatorem, non epistolam attulisses, sic, pecunia ablata, domum redire properabas. Nec tibi in mentem veniebat, eos ipsos, qui cum syngraphis venissent Alexandriam, nummum adhuc nullum auferre potuisse. Ib. 17.

† Consuli quidem te a Cæsare scribis; sed ego tibi ab illo consuli vellem. Ib. xi.

‡ Moriar, ni quæ tua gloria est, puto te malle a Cæsare consuli, quam inaurari. Ib. 13.

‖ ——Nisi quid tu, docte Trebati,
dissentis.—— Hor. Sat. 2. 1. 79.

§ Ex Quinti fratris literis suspicor jam eum esse in Britannia: suspenso animo expecto quid agat. Ad Att. 4. 15.

¶ O jucundas mihi tuas de Britannia literas! Timebam oceanum, timebam littus insulæ. Reliqua non equidem contemno. Ad Quint. 1. 16.

De Britannicis rebus cognovi ex tuis literis, nihil esse nec quod metuamus, nec quod gaudeamus. Ib. 3. 1.

"strongly fortified; and it is known also, already, "that there is not a grain of silver in it, nor any "thing else, but slaves; of whom you will scarce "expect any, I dare say, skilled in music or let- "ters."* In another to Trebatius—"I hear that "there is not either any gold or silver in the island: "if so, you have nothing to do but to take one of "their chariots, and fly back to us."†

From their railleries of this kind on the barbarity and misery of our island, one cannot help reflecting on the surprising fate and revolutions of kingdoms; how Rome, once the mistress of the world, the seat of arts, empire, and glory, now lies sunk in sloth, ignorance and poverty; enslaved to the most cruel, as well as to the most contemptible of tyrants, superstition and religious imposture: while this remote country, anciently the jest and contempt of the polite Romans, is become the happy seat of liberty, plenty, and letters; flourishing in all the arts and refinements of civil life; yet running, perhaps, the same course, which Rome itself had run before it; from virtuous industry to wealth; from wealth to luxury; from luxury to an impatience of discipline and corruption of morals; till, by a total degeneracy and loss of virtue, being grown ripe for destruction, it falls a prey, at last, to some hardy oppressor, and, with the loss of liberty, losing every thing else that is valuable, sinks gradually again into its original barbarism.

Cicero, taking it for granted that Trebatius followed Cæsar into Britain, begins to joke with him upon the wonderful figure that a British lawyer would make at Rome; and, as it was his profession to guard other people's safety, bids him beware that

* Britannici belli exitus expectatur. Constat enim aditus insulæ munitos esse muri- ficis molibus. Etiam illud jam cognitum est, neque argenti scripulum esse ullum in illa insula, neque ullam spem prædæ, nisi ex mancipiis; ex quibus nullos puto te literis, aut musicis eruditos expectare. Ad Att. 4. 16.

† In Britannia nihil esse audio neque auri neque argenti. Id si ita est, essedum aliquod suadeo capias, et ad nos quam primum recurras. Ep. Fam. 7. 7.

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he himself was not caught by the British charioteers.* But Trebatius, it seems, knew how to take care of himself without Cicero's advice; and, when Cæsar passed over to Britain, chose to stay behind in Gaul. This gave a fresh handle for raillery; and Cicero congratulates him upon being arrived at last in a country, where he was thought to know something; that if he had gone over also to Britain, there would not have been a man in all that great island wiser than himself. He observes, that he was much more cautious in military, than in civil contests; and wonders that, being such a lover of swimming, he could not be persuaded to swim in the ocean; and, when he could not be kept away from every show of gladiators at Rome, had not curiosity to see the British charioteers: he rejoices, however, after all, that he did not go, since they should not now be troubled with the impertinence of his British stories.†

Quintus Cicero, who had a genius for poetry, was projecting the plan of a poem, upon their British expedition, and begged his brother's assistance in it: Cicero approved the design, and observed upon it, that the nature and situation of places so strange, the manners of the people, their battles with them, and the general himself, Cæsar, were excellent subjects for poetry; but, as to his assistance, it was sending owls to Athens: that Quintus, who had finished four tragedies in sixteen days, could not want either help or fame in that way, after his Electra and

* Mira enim persona induci potest Britannici Juris consulti. Ep. Fam. 7. xi.

Tu, qui cæteris cavere didicisti, in Britannia ne ab essedariis decipiaris caveto. Ib. 6.

† Est, quod gaudeas, te in ista loca venisse, ubi aliquid sapere viderere; quod si in Britanniam quoque prefectus esses, profecto nemo in illa tanta insula te peritior fuisset. Sed tu in re militari multo es cautior quam in advocationibus: qui neque in oceano *natare* voluisti, homo *studiosissimus natandi*, neque spectare essedarios, quem antea ne Audabatam quidem defraudare poteramus. Ib. x.

In Britanniam te profectum non esse gaudeo, quod et labore caruisti, et ego te de illis rebus non audiam. Ib. 17.

The little hint, here given, of Trebatius's *love of swimming*, adds a new light and beauty to that passage of Horace, where the poet introduces him, advising, *to swim thrice across the Tiber*, to cure the want of sleep; the advice, it seems, being peculiarly agreeable to his own practice and character.

———*ter uncti*
Transnanto Tiberim, somno quibus est opus alto. Sat. 2. 1. v. 8.

the Troades.* In other letters, he answers more seriously; that it was impossible to conceive how much he wanted leisure for versifying; that, to write verses, required an ease and cheerfulness of mind, which the times had taken from him; and that his poetical flame was quite extinguished, by the sad prospect of things before them.†

He had sent Cæsar his Greek poem, in three books, on the history of his consulship; and Cæsar's judgment upon it was, that the beginning of it was as good as any thing which he had ever seen in that language, but that the following lines, to a certain place, were not equal in accuracy and spirit. Cicero desires, therefore, to know of his brother, what Cæsar really thought of the whole; whether the matter or the style displeased him; and begs that he would tell him the truth freely; since, whether Cæsar liked it or not, he should not, he says, be a jot the less pleased with himself.‡ He began, however, another poem, at his brother's earnest request, to be addressed to Cæsar, but, after some progress, was so dissatisfied with it, that he tore it:§ yet, Quintus still urging, and signifying that he had acquainted Cæsar with the design, he was

* Te vero ὑπόθεσιν scribendi egergiam habere video. Quos tu situs, quas naturas rerum et locorum, quas mores, quos gentes, quas pugnas, quem vero ipsum Imperatorem habes? Ego te libenter, ut rogas quibus rebus vis, adjuvabo, et tibi versus, quos rogas, γλαῦκα εἰς Ἀθήνας mittam. Ad Quint. 2. 16.

Quatuor tragœdias, cum xvi diebus absolvisse scribas, tu quidquam ab alio mutuaris? et κλέος quæris, cum Electram et Troadem scripseris. Ib. 3. 6.

N. B. These four tragedies, said to be written in sixteen days, cannot be supposed to have been original productions, but translations from some of the Greek poets, of which Quintus was a great master; finished by him in haste for the entertainment of the camp: for the word Troadem in the text, the name of one of them, should most probably be Troades, the title of one of Euripides' plays; as the Electra also was.

† Quod me de faciendis versibus rogas, incredibile est, mi frater, quantum egeam tempore—Facerem tamen ut possem, sed—Opus est ad poema quadam animi alacritate, quam plane mihi tempora eripiunt. Ib. 3. 5.

De versibus—deest mihi opera, quæ non modo tempus, sed etiam animum ab omni cura vacuum desiderat: sed abest etiâm ἐνθουσιασμὸς, &c. Ib. 4.

‡ Sed heus tu, celari videor a te, quomodonam, mi frater, de nostris versibus Cæsar? Nam primum librum se legisse scripsit ad me ante: et prima sic, ut neget se ne Græca quidem meliora legisse; reliqua ad quendam locum ῥαθυμώτερα. Hoc enim utitur verbo. Dic mihi verum, num aut res eum aut χαρακτὴς non delectat? Nihil est quod vereare. Ego enim ne pilo quidem minus me amabo. Ib. 2. 16.

§ Poema ad Cæsarem, quod composueram, incidi. Ib. 3. 1. § 4.

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obliged to resume it, and actually finished an epic poem in honour of Cæsar; which he promises to send, as soon as he could find a proper conveyance, that it might not be lost, as Quintus's tragedy of Erigone was in coming from Gaul; the only thing, says he, which had not found a safe passage, since Cæsar governed that province.*

While Cicero was expressing no small dissatisfaction at the measures which his present situation obliged him to pursue, Cæsar was doing every thing in his power to make him easy: he treated his brother with as much kindness, as if Cicero himself had been his general; gave him the choice of his winter quarters, and the legion which he best liked:† and Clodius happening to write to him from Rome, he shewed the letter to Quintus, and declared that he would not answer it; though Quintus civilly pressed him not to put such an affront upon Clodius for their sakes.‡ In the midst of all his hurry in Britain, he sent frequent accounts to Cicero, in his own hand, of his progress and success, and, at the instant of quitting the island wrote to him, from the very shore, of the embarkment of the troops, and his having taken hostages and imposed a tribute: and, lest he should be surprised at having no letters, at the same time, from his brother, he acquaints him, that Quintus was then at a distance from him, and could not take the benefit of that express: Cicero received all these letters at Rome, in less than a month after date, and takes notice, in

* Quod me institutum ad illum poema jubes perficere; etsi distensus tum opera, tum animo sum multo magis, quoniam ex epistola, quam ad te miseram, cognovit Cæsar me aliquid esse exorsum; revertar ad institutum. Ib. 8.

Quod me hortaris, ut absolvam, habeo absolutum suave, mihi quidem uti videtur, ἔπος ad Cæsarem. Sed quæro locupletem tabellarium, ne accidat quod Erigonæ tuæ; cui soli, Cæsare imperatore, iter ex Gallia tutum non fuit. Ib. 9.

† Quintum meum—Dii boni! quemadmodum tractat, honore, dignitate, gratia? Non secus ac si ego essem Imperator. Hibernam legionem eligendi optio delata commodum, ut ad me scribit. Ad Att. 4. 18.

‡ In qua primum est de Clodii ad Cæsarem literis, in quo Cæsaris consilium probo, quod tibi amantissime petenti veniam non dedit, ut ullum ad illam Furiam verbum rescriberet. Ad Quint. 3. 1. § 4.

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one of them, that it arrived on the twentieth day, a dispatch equal to that of our present couriers by the post.*

As to the news of the city, this summer, Cicero tells his brother, that there were some hopes of an election of magistrates, but those uncertain; some suspicion of a dictator, yet that not more certain; a great calm in the Forum; but of a city, seemed to be quieted rather by the effects of age, than of concord: that his own conduct, as well in public as in private, was just what Quintus had advised, softer than the tip of his ear; and his votes in the senate such as pleased others, rather than himself.

Such ills does wretched war and discord breed,

that bribery was never carried so high, as at this time, by the consular candidates, Memmius, Domitius, Scaurus, Messala; that they were all alike: no eminence in any; for money levelled the dignity of them all: that above eighty thousand pounds was promised to the first tribe; and money grown so scarce, by this profusion of it, that interest was risen from four to eight per cent.†

Memmius and Cn. Domitius, who joined their interests, made a strange sort of contract with the consuls, which was drawn up in writing, and attested, in

* Ab Quinto fratre et a Cæsare accepi A. D. IX. Kal. Nov. literas, confecta Britannia, obsidibus acceptis, nulla præda, imperata tamen pecunia, datas a littoribus Britanniæ, proximo A. D. VI. Kal. Octob. exercitum Britannia reportabant. Ad Att. 4. 17.

Ex Britannia Cæsar ad me Kal. Sept. dedit literas: quas ego accepi A. D. IIII. Kal. Octob. satis commodas de Britannicis rebus: quibus, ne admirer, quod a te nullas acceperim, scribit se sine te fuisse, cum ad mare accesserit. Ad Quint. 3. 1. § 7.

Cum hanc jam epistolam complicarem, tabellarii a vobis venerunt ad D. XI. Kal. Sept. vicesimo die. Ib. 3. 1. § 5.

† Res Romanæ sic se habebant. Erat nonnulla spes comitiorum, sed incerta: erat aliqua suspicio Dictaturæ, ne ea quidem certa: summum otium forense; sed senescentis magis civitatis, quam adquiescentis. Sententia autem nostra in senatu ejusmodi, magis ut alii nobis assentiantur, quam nosmet ipsi.

Τοιαυθ' ὁ πλήμων πόλεμος ἐξεργάζεται——Eurip. Iketi

Ambitus redit immanis, nunquam par fuit. Ad Quint. 2. 15.

Sequere me nunc in campum. Ardet ambitus: σῆμα δέ τοι ἐρῶ; fœnus ex triente Idib. Quint. factum erat bessibus——ἰσοχὴ in nullo est, pecunia omnium dignitatem exæquat. Ad Att. 4. 15.

A. Urb. 694. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

proper form, by many of their friends on both sides; by which the consuls obliged themselves to serve them, with all their power, in the ensuing election; and they, on their part, undertook, when elected, to procure for the consuls what provinces they desired; and gave a bond of above three thousand pounds, to provide three augurs, who should testify, that they were present at making a law, for granting them those provinces, when no such law had ever been made; and two consular senators, who should affirm, that they were present, likewise, at passing a decree of the senate, for furnishing the same provinces with arms and money, when the senate had never been consulted about it.* Memmius, who was strongly supported by Cæsar,† finding some reason to dislike his bargain, resolved to break it, and, by Pompey's advice, gave an account of it to the senate. Pompey was pleased with the opportunity of mortifying the consul Domitius, and willing, likewise, to take some revenge on Appius, who, though his near relation, did not enter so fully as he expected into his measures:‡ but Cæsar was much out of humour at this step,§ as it was likely to raise great scandal in the city, and strengthen the interest of those, who were endeavouring to restrain that infamous corruption, which was the main instrument of advancing his power. Appius never changed countenance, nor lost any credit by the discovery; but his colleague, Domitius, who affected the character of a patriot, was extremely discomposed; and Memmius, now grown desperate,

* Consules flagrant infamia, quod C. Memmius candidatus pactionem in Senatu recitavit, quam ipse et suus competitor Domitius cum consulibus fecissent, uti ambo H. S. quadragena consulibus darent, si essent ipsi consules facti, nisi tres augures dedissent, qui se adfuisse dicerent, cum lex curiata ferretur, quæ lata non esset; et duo consulares, qui se dicerent in ornandis provinciis consularibus scribendo affuisse, cum omnino ne Senatus quidem fuisset. Hæc pactio non verbis sed nominibus et prescriptionibus, multorum tabulis cum esse facta diceretur, prolata a Memmio est nominibus inductis, auctore Pompeio. Ad Att. 4. 18.

† Memmium Cæsaris omnes opes confirmant. Lib. 15. 17.

‡ Dio, l. 39, n°. 118.

§ Ut qui jam intelligebamus enuntiationem illam Memmli valde Cæsari displicere. Ad Att. 2. 16.

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resolved to promote the general disorder, and the creation of a dictator.*

Quintus sent his brother word from Gaul, that it was reported there, that he was present at this contract; but Cicero assures him that it was false, and that the bargain was of such a nature, as Memmius had opened it to the senate, that no honest man could have been present at it.† The senate was highly incensed; and, to check the insolence of the parties concerned, passed a decree, that their conduct should be inquired into, by what they called a private, or silent judgment; where the sentence was not to be declared till after the election, yet so as to make void the election of those, who should be found guilty: this they resolved to execute with rigour, and make an allotment of judges for that purpose; but some of the tribunes were prevailed with to interpose their negative, on pretence of hindering all inquisitions, not specially authorized by the people.‡

This detestable bargain, of forging laws and decrees at pleasure, in which so many of the first rank were concerned, either as principals or witnesses, is alleged, by an ingenious French writer, as a flagrant instance of that libertinism, which hastened the destruction of Rome.§ So far are private vices from being public benefits, that this great Republic, of all others the most free and flourishing, owed the loss of its liberty to nothing else but a general defection of its citizens, from the probity and discipline of their ancestors. Cicero often foretels their approaching ruin, from this very cause; and, when he bewails the

* Hic Appius erat idem; nihil sane jacturæ. Corruerat alter, et plane, inquam, jacebat. Memmius autem—plane refrixerat, et eo magis nunc cogitare dictaturam, tum favere justitio et omnium rerum licentiæ. Ib. 18.

† Quod scribis te audisse, in candidatorum consularium coitione me interfuisse, id ilsum est. Ejusmodi enim pactiones in istâ coitione factæ sunt, quas postea Memmius patefecit, ut nemo bonus interesse debuerit. Ad Quint. 3. 1. § 5.

‡ Ad Senatus decrevit ut tacitum judicium ante comitia fieret——Magnus timor candidatorum. Sed quidam judices—Tribunos pl. appellarunt, ne injussu populi judicarent. Res cedit. Comitia dilata ex S. C. dum lex de tacito judicio ferretur. Venit legi dies. Terentius intercessit. Ad Att. 4. 16.

§ Considerations sur les causes de la grandeur, &c. des Romains. C. X.

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wretchedness of the times, usually joins the wretchedness of their morals, as the genuine source of it.*

But lest these corrupt candidates should escape without punishment, they were all publicly impeached by different prosecutors, and the city was now in a great ferment about them; since, as Cicero says, either the men, or the laws, must necessarily perish; yet they will all, says he, be acquitted; for trials are now managed so corruptly, that no man will ever be condemned for the future, unless for murder.† But Q. Scævola, one of the tribunes, took a more effectual way to mortify them, by resolving to hinder any election of consuls during his magistracy, in which he persevered, and by his authority dissolved all the assemblies convened for that purpose.‡ The tribunician candidates, however, were remarkably modest this year; for they made an agreement among themselves, which they all confirmed by an oath, that, in prosecuting their several interests, they would submit their conduct to the judgment of Cato, and deposit four thousand pounds a-piece in his hands, to be forfeited by those whom he should condemn of any irregular practice. "If the election proves free," says Cicero, "as it is thought it will, Cato alone can "do more than all the law and all the judges."§

A great part of this year was taken up in public trials: Suffenas and C. Cato, who had been tribunes two years before, were tried in the beginning of July,

* His præsertim moribus atque temporibus, quibus ita prolapsa resp. est, ut omnium opibus refrænanda, ac coercenda sit. De Divin. 2. 2.

Qui sit remp. afflictam et oppressam miseris temporibus, ac perditis moribus, in veterem dignitatem et libertatem vindicaturus. Ep. Fam. 2. 5.

† De ambitu postulati sunt omnes, qui consulatum petant—Magno res in motu est. Propterea quod aut hominum aut legum interitus ostenditur. Ad Quint. 3. 2.

Sed omnes absolventur, nec posthac quisquam damnabitur, nisi qui hominem occiderit. Ad Att. 4. 16.

‡ Comitiorum quotidie singuli dies tolluntur obnuntiationibus, magna voluntate bonorum. Ad Quint. 3. 3.

Obnuntiationibus per Scævolam interpositis, singulis diebus. Ad Att. 4. 16.

§ Tribunitii candidati jurarunt se arbitrio Catonis petituros: apud eum H. S. quingena deposuerunt: ut qui a Catone damnatus esset, id perderet, et competitoribus tribueretur—Si comitia, ut putantur, gratuita fuerint; plus unus Cato potuerit, quam omnes quidem judices. Ib. 15. Ad Quint. 2. 15.

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for violence and breach of peace in their magistracy, and both acquitted: but Procilius, one of their colleagues, was condemned, for killing a citizen in his own house: "whence we are to collect," says Cicero, "that our Areopagites value neither bribery, "nor elections, nor interregnums, nor attempts "against the state, nor the whole Republic a rush; "we must not murder a man, indeed, in his own "house, though that perhaps might be done moderately, since twenty-two acquitted Procilius, when "twenty-eight condemned him."* Clodius was the accuser in these impeachments; which made Cato, as soon as he was acquitted, seek a reconciliation with Cicero and Milo.† It was not Cicero's business to reject the friendship of an active and popular senator; and Milo had occasion for his service in his approaching suit for the consulship. But, though Cicero had no concern in these trials, he was continually employed in others, through the rest of the summer: "I was never," says he, "more busy in trials than now; in the worst season of the year, and the greatest heats, that we "have ever known, there scarce passes a day in "which I do not defend some."‡ Besides his clients in the city, he had several towns and colonies under his patronage, which sometimes wanted his help abroad, as the corporation of Reate did now, to plead for them before the consul Appius, and ten commissioners, in a controversy with their neighbours of Interamna, about draining the lake Velinus into the river Nar, to the damage of their grounds. He returned from this cause in the midst of the Ap-

* III. Non. Quint. Suffenas et Cato absoluti: Procilius condemnatus. Ex quo intellectum est, τριακτιοπαγίτας, ambitum, comitia, interregnum, majestatem, totam denique Remp. flocci non facere. Debemus patrem familias domi suæ occidere nolle, neque tamen id ipsum abunde. Nam absolverunt 22, condemnarunt 28. Ad Att. 4. 15.

† Is tamen et mecum et cum Milone in gratiam rediit. Ib. 16.

‡ Sic enim habeto nunquam me a causis et judiciis districtiorem fuisse, atque id anni tempore gravissimo, et caloribus maximis. Ad Quint. 2. 16.

Diem scito esse nullum, quo non dico pro reo. Ib. 3. 3.

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pollinarian shows; and, to relieve himself from the fatigue of his journey, went directly to the theatre, where he was received by an universal clap: in the account of which, to Atticus, he adds, "but this "you are not to take notice of, and I am a fool in- "deed myself for mentioning it."*

He now also defended Messius, one of Cæsar's lieutenants, who came from Gaul on purpose to take his trial: then Drusus, accused of prevaricating or betraying a cause, which he had undertaken to defend; of which he was acquitted by a majority only of four voices: after that Vatinius, the last year's prætor, and Æmilius Scaurus, one of the consular candidates, accused of plundering the province of Sardinia;† and, about the same time, likewise, his old friend, Cn. Plancius, who had entertained him so generously in his exile, and, being now chosen ædile, was accused, by a disappointed competitor, M. Laterensis, of bribery and corruption. All these were acquitted, but the orations for them are lost, except that for Plancius; which remains a perpetual monument of Cicero's gratitude: for Plancius, having obtained the tribunate from the people, as the reward of his fidelity to Cicero, did not behave himself, in that post, with the same affection to him as before, but seems studiously to have slighted him; while several of his colleagues, and especially Racilius, were exerting all their power in the defence of his person and dignity.‡ Yet Cicero freely undertook his cause, and, as if no coldness had intervened,

* Reatini me ad sua τεμπη duxerunt, ut agerem causam contra Interamnates—Redii Romam—Veni in spectaculum; primum magno et æquabili plausu, (sed hoc ne curaris; ego ineptus qui scripserim)—Ad Att. 4. 15.

† Messius defendebatur a nobis, e legatione revocatus—Deinde me expedio ad Drusum, inde ad Scaurum. Ib.

Drusus erat de prævaricatione—absolutus, in summa quatuor sententiis.—Eodem die post meridiem Vatinium aderam defensurus; ea res facilis.—Scauri judicium statim exercebitur, cui nos non deerimus. Ad Quin. 2. 16.

Scaurum beneficio defensionis valde obligavi. Ib. 3. 1. § 5.

‡ Negas tribunatum Plancii quicquam attulisse adjumenti dignitati meæ. Atque hoc loco, quod verissime facere potes, L. Racilii—divina in me merita commemoras, &c. Pro Planc. 32.

displayed the merit of his services in the most pathetic and affecting manner; and rescued him from the hands of a powerful accuser, and his own particular friend. Drusus's trial was held in the morning; from which, after going home to write a few letters, he was obliged to return to Vatinius's in the afternoon: which gives us a specimen of the hurry in which he generally lived, and of the little time which he had to spend upon his private affairs, or his studies; and though he was now carrying on several great works of the learned kind, yet he had no other leisure, he tells us, for meditating and composing, but when he was taking a few turns in his gardens, for the exercise of his body, and refreshment of his voice.* Vatinius had been one of his fiercest enemies; was in a perpetual opposition to him in politics; and, like Bestia, mentioned above, a seditious, profligate, abandoned libertine: so that the defence of him gave a plausible handle for some censure upon Cicero: but his engagements with Pompey, and especially his new friendship with Cæsar, made it necessary to embrace all Cæsar's friends; among whom Vatinius was most warmly recommended to him.

Gabinius, being recalled, as had been said, from his government, returned to Rome about the end of September: he bragged every where, on his journey, that he was going to the demand of a triumph; and, to carry on that farce, continued awhile without the gates; till, perceiving how odious he was to all within, he stole privately into the city by night, to avoid the disgrace of being insulted by the populace.† There were three different impeachments provided against him: the first, for treasonable practices against the

* Ita quicquid conficio aut cogito in ambulationis fere tempus confero. Ad Quint. 3. 3.

† Ad urbem accessit A. D. xii. Kal. Oct. nihil turpius, nec desertius. Ad Quint. Fr. 3. 1. § 5.

Cum Gabinius, quacunque veniebat, triumphum se postulare dixisset, subitoque bonus Imperator noctu in urbem, hostium plane, invasisset. Ib. 2.

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state; the second, for the plunder of his province; the third, for bribery and corruption; and so many persons offered themselves to be prosecutors, that there was a contest among them, before the prætor, how to adjust their several claims.* The first indictment fell to L. Lentulus, who accused him, the day after he entered the city, that, in defiance of religion, and the decree of the senate, he had restored the king of Ægypt with an army, leaving his own province naked and open to the incursion of enemies, who had made great devastations in it. Cicero, who had received from Gabinius all the provocation which one man could receive from another, had the pleasure to see his insolent adversary at his feet; and was prepared to give him such a reception as he deserved: but Gabinius durst not venture to shew his head for the first ten days, till he was obliged to come to the senate, in order to give them an account, according to custom, of the state of his province, and the troops which he had left in it. As soon as he had told his story, he was going to retire, but the consuls detained him, to answer to a complaint brought against him by the publicans, or farmers of the revenues, who were attending at the door to make it good. This drew on a debate, in which Gabinius was so urged and teazed on all sides, but especially by Cicero, that, trembling with passion, and unable to contain himself, he called Cicero a banished man: "upon which," says Cicero, in a letter to his brother, "nothing ever happened more "honourable to me: the whole senate left their "seats to a man, and, with a general clamour, ran "up to his very face; while the publicans also were "equally fierce and clamorous against him, and the "whole company behaved just as you yourself "would have done."†

* Gabinium tres adhuc factiones postulant, &c. Ib. 1. § 5.
Cum hæc scribebam ante lucem, apud Catonem erat divinatio in Gabinium futura, inter Memmium, et Ti. Neronem, et C. et L. Antonios. Ib. 2.

† Interim ipso decimo die, quo ipsum oportebat hostium numerum et militum re-

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

Cicero had been deliberating, for some time, whether he should not accuse Gabinius himself; but, out of regard to Pompey, was content to appear only as a witness against him;* and when the trial was over, gives the following account of it to his brother.

"Gabinius is acquitted; nothing was ever so stupid as his accuser, Lentulus; nothing so sordid as the bench: yet, if Pompey had not taken incredible pains, and the rumour of a dictatorship had not infused some apprehensions, he could not have held up his head even against Lentulus: since, with such an accuser, and such judges; of the seventy-two who sat upon him, thirty-two condemned him. The sentence is so infamous, that he seems likely to fall in the other trials, especially that of plunder; but there is no Republic, no senate, no justice, no dignity, in any of us; what can I say more of the judges? There were but two of them of prætorian rank, Domitius Calvinus, who acquitted him so forwardly, that all the world might see it; and Cato, who, as soon as the votes were declared, ran officiously from the bench, to carry the news to Pompey. Some say, and particularly Sallust, that I ought to have accused him: but should I risk my credit with such judges? What a figure should I have made, if he had escaped from me? But there were other things which influenced me: Pompey would have considered it as a struggle, not about Gabinius's safety, but his own dignity: it must have made a breach between us: we should have been matched like a pair of gladiators; as Pacidianus, with

nuntiare, in re hæsit, summa in frequentia: cum vellet exire, a consulibus retentus est; introducti publicani. Homo undique actus, cum a me maxime vulneraretur, non tulit, et me trementi voce exulem appelavit. Hic, O Dii, nihil unquam honorificentius nobis accidit. Consurrexit Senatus cum clamore ad unum, sic ut ad corpus ejus accederet. Pari clamore atque impetu publicani. Quid quæris? Omnes, tanquam si tuesses, ita fuerunt. Ib.

* Ego tamen me tenco ab accusando vix mehercule. Sed tamen teneo, vel quod nolo cum Pompeio pugnare; satis est, quod instat de Milone. Ib. 3. 2.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus: A. Claudius Pulcher.

" Æserninus the Samnite; he would probably have " bit off one of my ears, or been reconciled at least " with Clodius—for, after all the pains which I had " taken to serve him; when I owed nothing to him, " he every thing to me; yet he would not bear my " differing from him in public affairs, to say no " worse of it; and, when he was less powerful than " he is at present, shewed what power he had against " me, in my flourishing condition; why should I " now, when I have lost even all desire of power, " when the Republic certainly has none; when he " alone has all, chuse him, of all men, to contend " with: for, that must have been the case: I can- " not think that you would have advised me to " it. Sallust says, that I ought to have done either " the one or the other; and, in compliment to Pom- " pey, have defended him; who begged it of me, " indeed, very earnestly—A special friend, this Sal- " lust! to wish me to involve myself either in a dan- " gerous enmity, or perpetual infamy. I am de- " lighted with my middle way, and, when I had " given my testimony faithfully, and religiously, was " pleased to hear Gabinius say, that, if it should be " permitted to him to continue in the city, he would " make it his business to give me satisfaction; nor " did he so much as interrogate me——."* He gives the same account of this trial to his other friends; how Lentulus acted his part so ill, that people were persuaded that he prevaricated—and that Gabinius's escape was owing to the indefatigable industry of Pompey, and the corruption of the bench.†

About the time of this trial, there happened a terrible inundation of the Tiber, which did much damage at Rome: many houses and shops were carried away by it, and the fine gardens of Cicero's son-in-

* Ad Quint. 3. 4.

† Quomodo ergo absolutus?—Accusatorum incredibilis infamia, id est L. Lentuli, quem fremunt omnes prævaricatum; deinde Pompeii mira contentio, Judicum sordes. Ad Att. 4. 16.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

law, Crassipes, demolished. It was all charged to the absolution of Gabinius, after his daring violation of religion, and contempt of the Sibyl's books: Cicero applies to it the following passage of Homer:*

> As when, in autumn, Jove his fury pours,
> And earth is laden with incessant showers;
> When guilty mortals break th' eternal laws,
> And judges, brib'd, betray the righteous cause,
> From their deep beds he bids the rivers rise,
> And opens all the flood-gates of the skies.
> Mr. Pope, Il. 16. v. 466.

But Gabinius's danger was not yet over: he was to be tried a second time, for the plunder of his province; where C. Memmius, one of the tribunes, was his accuser, and M. Cato his judge, with whom he was not likely to find any favour: Pompey pressed Cicero to defend him, and would not admit of any excuse; and Gabinius's humble behaviour in the late trial was intended to make way for Pompey's solicitation. Cicero stood firm for a long time: "Pompey," says he, "labours hard with me, but "has yet made no impression, nor, if I retain a grain "of liberty, ever will."†

> Oh! e'er that dire disgrace shall blast my fame,
> O'erwhelm me earth———— Il. 4. 218.

But Pompey's incessant importunity, backed by Cæsar's earnest request, made it vain to struggle any longer; and forced him, against his judgment, his resolution, and his dignity, to defend Gabinius, at a time when his defence at last proved of no service to him; for he was found guilty by Cato, and condemned, of course, to a perpetual banishment. It is probable, that Cicero's oration was never published, but as it was his custom to keep the minutes, or rough draught of all his pleadings, in what he called his Commentaries, which were extant many

* Romæ, et maxime Appia ad Martis, mira proluvies. Crassipedis ambulatio ablata, horti, tabernæ plurimæ. Magna vis aquæ usque ad piscinam publicam. Viget illud Homeri—Cadit enim in absolutionem Gabinii. Ad Quint. 3. 7.

† Pompeius a me valde contendit de reditu in gratiam, sed adhuc nihil profecit; nec si ullam partem libertatis tenebo proficiet. Ad Quint. 3. 1. § 5.

De Gabinio nihil fuit faciendem istorum, &c. τότε μοι χάνοι. Il. 4. 218.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

ages after his death;* so St. Jerome has preserved from them a small fragment of this speech, which seems to be a part of the apology, that he found himself obliged to make for it; wherein he observes, that when Pompey's authority had once reconciled him to Gabinius, it was no longer in his power to avoid defending him; "for it was ever my persuasion," says he, "that all friendships should be maintained with a religious exactness; but especially "those, which happen to be renewed from a quarrel: for, in friendships that have suffered no interruption, a failure of duty is easily excused by "a plea of inadvertency, or, at the worst, of negligence; whereas, if, after a reconciliation, any new "offence be given, it never passes for negligent, but "wilful; and is not imputed to imprudence, but to "perfidy."†

The proconsul, Lentulus, who resided still in Cilicia, having had an account from Rome, of Cicero's change of conduct, and his defence of Vatinius, wrote a sort of expostulatory letter to him, to know the reasons of it; telling him, that he had heard of his reconciliation with Cæsar and Appius, for which he did not blame him; but was at a loss how to account for his new friendship with Crassus; and, above all, what it was that induced him to defend Vatinius. This gave occasion to that long and elaborate answer from Cicero, already referred to, written before Gabinius's trial; which would otherwise have made his apology more difficult, in which he lays open the motives and progress of his whole behaviour, from the time of his exile.—"As to the "case of Vatinius," he says, "as soon as he was "chosen prætor, where I warmly opposed him, in "favour of Cato, Pompey prevailed with me to be "reconciled to him; and Cæsar afterwards, took "surprising pains with me to defend him; to which

* Quod fecisse M. Tullium, Commentariis ipsius apparet. Quintil. l. x. c. 7.
† Vid. Fragment. Orat.—

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

"I consented, for the sake of doing what, as I told "the court at the trial, the parasite in the Eunuch "advised his patron to do:

"Whenever she talks of Phædria, do you pre- "sently praise Pamphila, &c. so I begged of the "judges, that since certain persons, of distinguished "rank, to whom I was much obliged, were so fond "of my enemy, and affected to caress him in the "senate, before my face, with all the marks of fami- "liarity; and since they had their Publius to give "me jealousy, I might be allowed to have my Pub- "lius, also, to teaze them with in my turn."—Then, as to his general conduct, he makes this general defence; "that the union and firmness of the honest, "which subsisted when Lentulus left Rome, con- "firmed," says he, "by my consulship, and revived "by your's, is now quite broken and deserted by "those, who ought to have supported it, and were "looked upon as patriots; for which reason, the "maxims and measures of all wise citizens, in which "class I always wished to be ranked, ought to be "changed too: for it is a precept of Plato, whose "authority has the greatest weight with me, to con- "tend in public affairs, as far as we can persuade "our citizens, but not to offer violence, either to "our parent or our country.—If I was quite free "from all engagements, I should act, therefore, as "I now do; should not think it prudent to contend "with so great a power; nor, if it could be effected, "to extinguish it in our present circumstances; nor "continue always in one mind, when the things "themselves, and the sentiments of the honest, are "altered; since a perpetual adherence to the same "measures has never been appro ed by those who "know best how to govern states; but, as in sailing, "it is the business of art to be directed by the wea- "ther, and foolish to persevere with danger in the "course in which we set out, rather than by chang- "ing it, to arrive with safety, though later, where

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" we intended; so to us, who manage public affairs, " the chief end proposed being dignity, with public " quiet, our business is not to be always saying, but " always aiming, at the same thing. Wherefore, if " all things, as I said, were wholly free to me, I " should be the same man that I now am; but when " I am invited to this conduct, on the one side, by " kindnesses, and driven to it on the other by injuries, I easily suffer myself to vote and act what I " take to be useful both to myself and the Republic; " and I do it the more freely, as well on the account " of my brother's being Cæsar's lieutenant, as that " there is not the least thing which I have ever said " or done for Cæsar, but what he has repaid with " such eminent gratitude, as persuades me, that he " takes himself to be obliged to me; so that I have " as much use of all his power and interest, which " you know to be the greatest, as if they were my " own: nor could I otherwise have defeated the designs of my desperate enemies, if to those forces, " which I have always been master of, I had not " joined the favour of the men of power. Had you " been here to advise me, I am persuaded that I " should have followed the same measures: for I " know your goodnature and moderation; I know " your heart, not only the most friendly to me, but " void of all malevolence to others; great and noble, " open and sincere,"* &c. He often defends himself, on other occasions, by the same allusion to the art of sailing. " I cannot reckon it inconstancy," says he, " to change and moderate our opinion, like the " course of a ship, by the weather of the Republic; " this is what I have learnt, have observed, have " read; what the records of former ages have delivered, of the wisest and most eminent citizens, " both in this and all others cities; that the same " maxims are not always to be pursued by the " same men; but such, whatever they be, which the

* Ep. Fam. 1. 9.

" state of the Republic, the inclination of the times," " the occasions of public peace require.—This is " what I am now doing, and shall always do."*

The trial of C. Rabirius Postumus, a person of equestrian rank, was an appendix to that of Gabinius. It was one of the articles against Gabinius, that he had received about two millions for restoring king Ptolemy; yet all his estate, which was to be found, was not sufficient to answer the damages in which he was condemned; nor could he give any security for the rest: in this case, the method was, to demand the deficiency from those, through whose hands the management of his money affairs had passed, and who were supposed to have been sharers in the spoil: this was charged upon Rabirius; and that he had advised Gabinius to undertake the restoration of the king, and accompanied him in it; and was employed to solicit the payment of the money, and lived at Alexandria for that purpose, in the king's service, as the public receiver of his taxes, and wearing the pallium or habit of the country.

Cicero urged, in defence of Rabirius, that he had borne no part in that transaction; but that his whole crime, or rather folly, was, that he had lent the king great sums of money for his support at Rome; and ventured to trust a prince, who, as all the world then thought, was going to be restored by the authority of the Roman people: that the necessity of going to Egypt for the recovery of that debt, was the source of all his misery; where he was forced to take whatever the king would give or impose: that it was his misfortune to be obliged to commit himself to the power of an arbitrary monarch; that nothing could be more mad, than for a Roman knight, and citizen

* Neque enim inconstantis puto, sententiam, tanquam aliquod navigium atque cursum ex reip. tempestate moderari. Ego vero hæc didici, hæc vidi, hæc scripta legi: hæc de sapientissimis et clarissimis viris, et in hac Repub. et in aliis civitatibus monumenta nobis et literæ prodiderunt: non semper easdem sententias ab iisdem sed quascunque reip. status, inclinatio temporum, ratio concordiæ postularet, esse defendendas. Quod ego et facio, et semper faciam. Pro Planc. 39.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

of a Republic, of all others the most free, to go to any place, where he must needs be a slave to the will of another; that all, who ever did so, as Plato and the wisest had sometimes done too hastily, always suffered for it. This was the case of Rabirius; necessity carried him to Alexandria; his whole fortunes were at stake;* which he was so far from improving by his traffic with that king, that he was ill-treated by him, imprisoned, threatened with death, and glad to run away at last with the loss of all; and, at that very time, it was wholly owing to Cæsar's generosity and regard to the merit and misfortunes of an old friend, that he was enabled to support his former rank and equestrian dignity.† Gabinius's trial had so near a relation to this, and was so often referred to in it, that the prosecutors could not omit so fair an opportunity of rallying Cicero, for the part which he had acted in it:—Memmius observed, that the deputies of Alexandria had the same reason for appearing for Gabinius, which Cicero had for defending him—the command of a master. "No, Mem-"mius," replied Cicero, "my reason for defending "him was a reconciliation with him; for I am not "ashamed to own, that my quarrels are mortal, my "friendships immortal: and if you imagine that I "undertook that cause for fear of Pompey, you "neither know Pompey nor me, for Pompey would "neither desire it of me, against my will, nor would "I, after I had preserved the liberty of my citizens, "ever give up my own."‡

Valerius Maximus reckons Cicero's defence of Gabinius and Vatinius among the great and laudable examples of humanity, which the Roman

* Pro Rabir. 8. 9. † Ib. 15.

‡ Ait etiam meus familiaris, eandem causam Alexandrinis fuisse, cur laudarem Gabinium, quæ mihi fuit, cur eundem defenderem. Mihi, C. Memmi, causa defendendi Gabinii fuit, reconciliatio gratiæ. Neque vero me pœnitet, *mortales inimicitias sempiternas amicitias habere.* Nam si me invitum putas, ne Cn. Pompeii animum offenderem, defendisse causam; et illum et me vehementer ignoras. Neque enim Pompeius me sua causa quidquam facere voluisset invitum; neque ego, cui omnium civium libertas carissima fuisset, meam projecissem. Pro C. Rabir. Post. 12.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

history furnished; "as it is nobler," he says, "to "conquer injuries with benefits, than to repay "them in kind, with an obstinacy of hatred."* This turn is agreeable to the design of that writer, whose view it seems to be, in the collection of his stories, to give us rather what is strange, than true; and to dress up facts, as it were, into fables, for the sake of drawing a moral from them: for whatever Cicero himself might say for it, in the flourishing style of an oration, it is certain, that he knew and felt it to be what it really was, an indignity and dishonour to him, which he was forced to submit to by the iniquity of the times, and his engagements with Pompey and Cæsar, as he often laments to his friends in a very passionate strain: "I am afflicted," says he, "my dearest brother, I am afflicted, that "there is no Republic, no justice in trials; that this "season of my life, which ought to flourish in the "authority of the senatorian character, is either "wasted in the drudgery of the bar, or relieved only "by domestic studies; that what I have ever been "fond of from a boy,

In every virtuous act and glorious strife
To shine the first and best———

"is wholly lost and gone; that my enemies are "partly not opposed, partly even defended by me; "and neither what I love, nor what I hate, left free "to me."†

While Cæsar was engaged in the British expedition, his daughter, Julia, Pompey's wife, died in child-bed, at Rome, after she was delivered of a

* Sed hujusce generis humanitas etiam in M. Cicerone præcipua apparuit, &c. Val. Max. 4. 2.

† Angor, mi suavissime frater, angor, nullam esse Remp. nulla judicia, nostrumque hoc tempus ætatis, quod in illa senatoria auctoritate florere debebat, aut forensi labore jactari, aut domesticis litteris sustentari. Illud vero quod a puero adamaram,

Αἰὲν ἀριστεύειν καὶ ὑπείροχον ἔμμεναι ἄλλων.

Il. ζ. 208.

totum occidisse; inimicos a me partim non oppugnatos; partim etiam esse defensos; meum non modo animum, sed ne odium quidem esse liberum. Ad Quint. 3. 5.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

son, which died also soon after her. Her loss was not more lamented by the husband and father, who both of them tenderly loved her, than by all their common friends and well-wishers to the public peace; who considered it as a source of fresh disturbance to the state, from the ambitious views and clashing interests of the two chiefs; whom the life of one so dear, and the relation of son and father seemed hitherto to have united by the ties both of duty and affection.* Cæsar is said to have borne the news of her death with an uncommon firmness:† it is certain that she had lived long enough to serve all the ends which he proposed from that alliance, and to procure for him every thing that Pompey's power could give: for, while Pompey, forgetful of his honour and interest, was spending his time ingloriously at home, in the caresses of a young wife, and the delights of Italy; and, as if he had been only Cæsar's agent, was continually decreeing fresh honours, troops, and money to him; Cæsar was pursuing the direct road to empire; training his legions in all the toils and discipline of a bloody war; himself always at their head, animating them by his courage, and rewarding them by his bounty; till, from a great and wealthy province, having raised money enough to corrupt, and an army able to conquer all who could oppose him, he seemed to want nothing for the execution of his vast designs, but a pretext to break with Pompey; which, as all wise men foresaw, could not long be wanted, when Julia, the cement of their union, was removed. For though the power of the triumvirate had given a dangerous blow to the liberty of Rome, yet the jealousies and separate interests of the chiefs obliged them to manage it with some decency; and

* Cum medium jam, ex invidia potentiæ male cohærentis inter Cn. Pompeium et C. Cæsarem, concordiæ pignus, Julia uxor Magni decessit—Filius quoque parvus, Julia natus, intra breve spatium obiit. Vell. Pat. 2 47. Val. Max. 4. 6.

† Cæsar—cum audivit decessisse filiam—inter tertiam diem imperatoria obiit munera. Senec. Consol. ad Helv. p. 116.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

to extend it, but rarely, beyond the forms of the constitution; but whenever that league should happen to be dissolved, which had made them already too great for private subjects, the next contest of course must be for dominion, and the single mastery of the empire.

On the second of November, C. Pontinius triumphed over the Allobroges: he had been prætor, when Cicero was consul; and, at the end of his magistracy, obtained the government of that part of Gaul, which, having been tampering with Catiline in his conspiracy, broke out soon afterwards into open rebellion, but was reduced by the vigour of this general. For this service he demanded a triumph, but met with great opposition, which he surmounted with incredible patience: for he persevered in his suit, for five years successively; residing all that while, according to custom, in the suburbs of the city, till he gained his point, at last, by a kind of violence. Cicero was his friend, and continued in Rome on purpose to assist him; and the consul Appius served him with all his power; but Cato protested, that Pontinius should never triumph while he lived; "though this," says Cicero, "like many of his other threats, will end at last in "nothing." But the prætor Galba, who had been his lieutenant, having procured by stratagem, an act of the people in his favour, he entered the city in his triumphal chariot, where he was so rudely received and opposed in his passage through the streets, that he was forced to make his way with his sword, and the slaughter of many of his adversaries.*

In the end of the year, Cicero consented to be one of Pompey's lieutenants in Spain: which he

* Ea re non longius, quam vellem, quod Pontinio ad Triumphum volebam adesse: etenim erit nescio quid negotioli, &c. Ad Quint. 3. 5.

Pontinius vult A. D. IV. Non. Novemb. triumphare. Huic obviam Cato et Servilius prætores aperte, et Q. Mucius tribunus. Sed erit cum Pontinio Appius consul. Cato tamen affirmat, se vivo illum non triumphare: id ego puto, ut multæ ejusdem, ad nihil recasurum. Ad Att. 4. 16. It. Dio, l. 39. p. 120.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

began to think convenient to the present state of his affairs, and resolved to set forward for that province, about the middle of January:* but this seemed to give some umbrage to Cæsar, who, by the help of Quintus, hoped to disengage him gradually from Pompey, and to attach him to himself; and, with that view, had begged of him, in his letters, to continue at Rome,† for the sake of serving himself with his authority, in all affairs which he had occasion to transact there; so that out of regard, probably, to Cæsar's uneasiness, Cicero soon changed his mind, and resigned his lieutenancy: to which he seems to allude, in a letter to his brother, where he says, that he had no second thoughts in whatever concerned Cæsar; that he would make good his engagements to him; and being entered into his friendship with judgment, was now attached to him by affection.‡

He was employed, at Cæsar's desire, along with Oppius, in settling the plan of a most expensive and magnificent work, which Cæsar was going to execute at Rome, out of the spoils of Gaul; a new forum, with many grand buildings annexed to it; for the area of which alone, they had contracted to pay to the several owners about five hundred thousand pounds; or, as Suetonius computes, near double that sum.‡ Cicero calls it a glorious piece of work, and says, "that the partitions, or enclosures of the "Campus Martius, in which the tribes used to vote, "were all to be made new of marble, with a roof "likewise of the same, and a stately portico carried "round the whole, of a mile in circuit, to which a

* Sed heus tu, scripseramne tibi me esse legatum Pompeio; et extra urbem quidem fore, ex Id. Jan. visum est hoc mihi ad multa quadrare. Ad Att. 4. 18.

† Quod mihi tempus, Romæ præsertim, ut iste me rogat, manenti, vacuum ostenditur? Ad Quint. 2. 15.

‡ Ego vero nullas δευτέρας φροντίδας habere possum in Cæsaris rebus—Videor id judicio facere. Jam enim debeo: sed tamen amore sum incensus. Ad Quint. 3. 1. § 5.

‡ Forum de manubiis inchoavit; cujus area super H-S. millies constitit. Sueton. J. Cæs. 26.

A. Urb. 699. Cic. 53. Coss.—L. Domitius Ahenobarbus. A. Claudius Pulcher.

"public hall or townhouse was to be joined."* While this building was going forward, L. Æmilius Paulus was employed in raising another, not much inferior to it, at his own expense: for he repaired and beautified an ancient basilica in the old forum; and built, at the same time, a new one, with Phrygian columns, which was called after his own name, and is frequently mentioned by the later writers, as a fabric of wonderful magnificence, computed to have cost him three hundred thousand pounds.†

A. Urb. 700. Cic. 54.

THE new tribunes pursued the measures of their predecessors, and would not suffer an election of consuls; so that when the new year came on, the Republic wanted its proper head: in this case, the administration fell into the hands of an interrex; a provisional magistrate, who must necessarily be a patrician, and chosen by the body of patricians, called together for that purpose by the senate.‡ His power, however, was but short-lived, being transferred, every five days, from one interrex to another, till an election of consuls could be obtained: but the tribunes, whose authority was absolute, while there were no consuls to control them, continued fierce against any election at all: some were for reviving the ancient dignity of military tribunes; but that being unpopular, a more plausible scheme was taken up, and openly avowed, of declaring Pompey

* Itaque Cæsaris amici (me dico et Oppium, dirumparis licet) in monumentum illud, quod tu tollere laudibus solebas, ut Forum laxaremus, et usque ad Libertatis atrium explicaremus, consumsimus H-S. sexcentics: cum privatis non poterat transigi minore pecunia. Efficiemus rem gloriosissimam. Nam in Campo Martio septa tributis comitiis marmorea sumus, et tecta facturi, eaque cingemus excelsa porticu, ut mille passuum conficiatur. Simul adjungetur huic operi, villa etiam publica. Ad Att. 4. 16.

† Paulus in medio Foro Basilicam jam pæne texuit, iisdem antiquis columnis: illam autem, quam locavit, facit magnificentissimam. Nihil gratius illo monumento, nihil gloriosius. Ib.

‡ Vid. Ascon. argum. in Milon.

dictator. This gave great apprehensions to the city, for the memory of Sylla's dictatorship; and was vigorously opposed by all the chiefs of the senate, and especially by Cato: Pompey chose to keep himself out of sight, and retired into the country, to avoid the suspicion of affecting it. "The rumour of a dictatorship," says Cicero, "is disagreeable to the honest; but the other things, which they talk of, are more so to me: the whole affair is dreaded, but flags: Pompey flatly disclaims it, though he never denied it to me before: the tribune, Hirrus, will probably be the promoter: good gods! how silly and fond of himself without a rival! At Pompey's request, I have deterred Crassus Junianus, who pays great regard to me, from meddling with it. It is hard to know, whether Pompey really desires it or not; but if Hirrus stir in it, he will not convince us that he is averse to it."* In another letter; "nothing is yet done as to the dictatorship; Pompey is still absent; Appius in a great bustle; Hirrus preparing to propose it; but several are named as ready to interpose their negative; the people do not trouble their heads about it; the chiefs are against it; I keep myself quiet."† Cicero's friend, Milo, was irresolute how to act on this occasion; he was forming an interest for the consulship; and, if he declared against a dictatorship, was afraid of making Pompey his enemy; or if he should not help the opponents, that it would be carried by force; in both which cases, his own pretensions were such to be disappointed: he was inclined, therefore, to join in the opposition, but so far only, as to repel any violence.‡

* Rumor Dictatoris injucundus bonis: mihi etiam magis quæ loquuntur. Sed tota res et timetur et refrigescit. Pompeius plane se negat velle; antea ipse mihi non negabat. Hirrus auctor fore videtur. O Dii, quam ineptus, et quam se amans sine rivali! Crassum Junianum, hominem mihi deditum, per me deterruit. Velit, nolit, scire difficile est. Hirro tamen agente, nolle se non probabit. Ad Quint. 3. 8.

† De Dictatore tamen actum nihil est. Pompeius abest: Appius miscet: Hirrus parat: multi intercessores numerantur: populus non curat: principes nolunt: ego quiesco——Ib. 9.

‡ Hoc horret Milo—et ei ille Dictator factus sit, pæne diffidit. Intercessorem dic-

A. Urb. 700. Cic. 54.

The tribunes, in the mean time, were growing every day more and more insolent, and engrossing all power to themselves; till Q. Pompeius Rufus, the grandson of Sylla, and the most factious espouser of a dictator, was, by a resolute decree of the senate, committed to prison; and Pompey himself, upon his return to the city, finding the greater and better part utterly averse to his dictatorship, yielded, at last, after an interregnum of six months, that Cn. Domitius Calvinus, and M. Messala, should be declared consuls.* These were agreeable likewise to Cæsar: Cicero had particularly recommended Messala to him; of whom, he says, in a letter to his brother: "as to your reckoning Messala and Cal-"vinus sure consuls, you agree with what we think "here; for I will be answerable to Cæsar for Mes-"sala."‡

A. Urb. 700. Cic. 54. Coss.—Cn. Domitius Calvinus. M. Valerius Messala.

But, after all this bustle about a dictator, there seems to have been no great reason for being much afraid of it at this time; for the Republic was in so great a disorder, that nothing less than the dictatorial power could reduce it to a tolerable state: some good of that kind might reasonably be expected from Pompey, without the fear of any great harm, while there was so sure a check upon him as Cæsar; who, upon any exorbitant use of that power, would have had the senate, and all the better sort, on his side, by the specious pretence of asserting the public liberty: Cicero, therefore, judged rightly, in thinking, that there were other things, which might be apprehended, and seemed likely to happen, that, in their present situation, were of more dangerous consequence than a dictatorship.

taturæ si juverit manu et præsidio suo, Pompeium metuit inimicum; si non juverit, timet, ne per vim perferatur. Ib. 8.

* Vid. Dio, l. 40. p. 141.

† Messalam quod certum consulem cum Domitio numeratis, nihil a nostra opinione dissentitis. Ego Messalam Cæsari præstabo. Ad Quint. 3. 8.

A. Urb. 700. Cic. 54. Coss.—Cn. Domitius Calvinus. M. Valerius Messala.

There had scarce been so long an interregnum in Rome, since the expulsion of their kings; during which, all public business, and especially all judicial proceedings, were wholly interrupted; which explains a jocose passage in one of Cicero's letters to Trebatius: "If you had not already," says he, "been absent from Rome, you would certainly "have run away now: for what business is there "for a lawyer in so many interregnums? I advise "all my clients, if sued in any action, to move every "interrex twice for more time; do not you think, "that I have learnt the law of you to good pur-"pose."*

He now began a correspondence of letters with Curio, a young senator of distinguished birth and parts, who, upon his first entrance into the Forum, had been committed to his care, and was at this time quæstor in Asia. He was possessed of a large and splendid fortune, by the late death of his father; so that Cicero, who knew his high spirit and ambition, and that he was formed to do much good or hurt to his country, was desirous to engage him early in the interests of the Republic; and, by instilling great and generous sentiments, to inflame him with a love of true glory. Curio had sent orders to his agents at Rome, to proclaim a show of gladiators in honour of his deceased father; but Cicero stopped the declaration of it for a while, in hopes to dissuade him from so great and fruitless an expense.† He foresaw, that nothing was more likely to corrupt his virtue, than the ruin of his fortunes, or to make him a dangerous citizen, than prodigality; to which he was naturally inclined, and which Cicero, for that reason, was the more desirous to check,

* Nisi ante Roma profectus esses, nunc eam certe relinqueres. Quis enim tot interregnis jurisconsultum desiderat? Ego omnibus, unde petitur, hoc consilii dedcrim, ut a singulis interregibus binas advocationes postulent. Satisne tibi videor abs te jus civile didicisse? Ep. Fam. 7. 11.

† Rupæ studium non defuit declarandorum munerum tuo nomine: sed nec mihi placuit, nec cuiquam tuorum, quidquam te absente fieri, quod tibi, cum venisses, non esset integrum, &c. Ep. Fam: 2. 3.

A. Urb. 700. Cic. 54. Coss.—Cn. Domitius Calvinus. M. Valerius Messala.

at his first setting out: but all his endeavours were to no purpose; Curio resolved to give the show of gladiators; and, by a continual profusion of his money, answerable to this beginning, after he had acted the patriot for some time, with credit and applause, was reduced, at last, to the necessity of selling himself to Cæsar.

There is but little of politics in these letters besides some general complaints, of the lost and desperate state of the Republic: in one of them, after reckoning up the various subjects of epistolary writing; "shall I joke with you then," says he, "in "my letters? On my conscience, there is not a ci- "tizen, I believe, who can laugh in these times: or "shall I write something serious? But what can "Cicero write seriously to Curio, unless it be on the "Republic? where my case, at present, is such, "that I have no inclination to write what I do not "think—."* In another, after putting him in mind of the incredible expectation which was entertained of him at Rome, "not that I am afraid," said he, "that your virtue should not come up to the opinion "of the public: but rather, that you find nothing "worth caring for at your return; all things are so "ruined and oppressed: but I question whether it "be prudent to say so much. It is your part, how- "ever, whether you retain any hopes, or quite de- "spair, to adorn yourself with all those accomplish- "ments, which can qualify a citizen, in wretched "times and profligate morals, to restore the Repub- "lic to its ancient dignity."†

The first news from abroad, after the inauguration of the consuls, was of the miserable death of Crassus and his son Publius, with the total defeat of his

* Joçerne tecum per litteras? civem mehercule non puto esse, qui temporibus his ridere possit. An gravius aliquid scribam? Quid est quod possit graviter a Cicerone scribi ad Curionem, nisi de Rep.? Atque in hoc genere hæc mea causa est, ut neque ea, quæ, non sentio, velim scribere. Ib. 4. 4.

† Non quo verear ne tua virtus opinioni hominum non respondeat: sed mehercule, ne cum veneris, non habeas jam quod cures: ita sunt omnia debilitata jam prope et extincta, &c. Ib. 5.

A. Urb. 700. Cic. 54. Coss.—Cn. Domitius Calvinus. M. Valerius Messala.

army by the Parthians. This was one of the greatest blows that Rome had ever received from a foreign enemy, and for which it was ever after meditating revenge: the Roman writers generally imputed it to Crassus's contempt of the auspices; as some Christians have since charged it, to his sacrilegious violation of the temple of Jerusalem, which he is said to have plundered of two millions; both of them, with equal superstition, pretending to unfold the counsels of heaven, and to fathom those depths which are declared to be unsearchable.* The chief and immediate concern, which the city felt on this occasion, was for the detriment that the Republic had suffered, and the danger to which it was exposed, by the loss of so great an army; yet the principal mischief lay, in what they did not at first regard, and seemed rather to rejoice at, the loss of Crassus himself. For after the death of Julia, Crassus's authority was the only means left of curbing the power of Pompey, and the ambition of Cæsar, being ready always to support the weaker, against the encroachments of the stronger, and keep them both within the bounds of a decent respect to the laws; but this check being now taken away, and the power of the empire thrown, as a kind of prize, between two, it gave a new turn to their several pretensions, and created a fresh competition for the larger share; which, as the event afterwards shewed, must necessarily end in the subversion of the whole.

Publius Crassus, who perished with his father in this fatal expedition, was a youth of an amiable character; educated with the strictest care, and perfectly instructed in all the liberal studies: he had a ready wit and easy language; was grave without arrogance, modest without negligence; adorned with

* M. Crassò quid acciderit, videmus dirarum obnunciatione neglecta. [De Dio, 1. 16.]

Being for his impious sacrilege at Jerusalem justly destined to destruction, God did cast infatuations into all his councils, for the leading him thereto. Prideaux Connect. Par. 2. p. 362.

A. Urb. 700., Cic. 54. Coss.—Cn. Domitius Calvinus. M. Valerius Messala.

all the accomplishments proper to form a principal citizen and leader of the Republic: by the force of his own judgment he had devoted himself very early to the observance and imitation of Cicero, whom he perpetually attended and reverenced with a kind of filial piety. Cicero conceived a mutual affection for him, and observing his eager thirst of glory, was constantly instilling into him the true notion of it; and exhorting him to pursue that sure path to it, which his ancestors had left beaten and traced out to him, through the gradual ascent of civil honours. But by serving under Cæsar in the Gallic wars, he had learnt, as he fancied, a shorter way to fame and power than what Cicero had been inculcating; and having signalized himself in a campaign or two, as a soldier, was in too much haste to be a general; when Cæsar sent him, at the head of a thousand horse, to the assistance of his father in the Parthian war. Here the vigour of his youth and courage carried him on so far, in the pursuit of an enemy, whose chief art of conquest consisted in flying, that he had no way left to escape, but what his high spirit disdained, by the desertion of his troops and a precipitate flight; so that, finding himself oppressed with numbers, cruelly wounded, and in danger of falling alive into the hands of the Parthians, he chose to die by the sword of his armour-bearer. Thus, while he aspired, as Cicero says, to the fame of another Cyrus or Alexander, he fell short of that glory, which many of his predecessors had reaped, from a succession of honours, conferred by their country, as the reward of their services.*

* Hoc magis sum Publio deditus, quod me quanquam a pueritia semper, tamen hoc tempore maxime, sicut alterum parentem et observat et diligit. [Ep. Fam. 5. 8.]

P. Crassum ex omni nobilitate adolescentem dilexi plurimum, &c. [Ib. 13. 16.]

Cum P. Crasso, cum initio ætatis ad amicitiam se meam contulisset, sæpe egisse me arbitror, cum eum vehementissime hortarer, ut eam laudis viam rectissimam esse duceret, quam majores ejus ei tritam reliquissent. Erat enim cum institutus optime, tum plane perfecteque eruditus. Ineratque et ingenium satis acre, et orationis non inelegans copia: prætereaque sine arrogantia gravis esse videbatur, et sine segnitie verecundus, &c. Vid. Brut. p. 407. It Plut. in Crass.

A. Urb. 700. Cic. 54. Coss.—Cn. Domitius Calvinus. M. Valerius Messala.

By the death of young Crassus, a place became vacant in the college of Augurs, for which Cicero declared himself a candidate: nor was any one so hardy as to appear against him, except Hirrus, the tribune, who, trusting to the popularity of his office, and Pompey's favour, had the vanity to pretend to it; but a competition so unequal furnished matter of raillery only to Cicero, who was chosen without any difficulty or struggle, with the unanimous approbation of the whole body.* This college, from the last regulation of it by Sylla, consisted of fifteen, who were all persons of the first distinction in Rome: it was a priesthood for life, of a character indelible, which no crime or forfeiture could efface: the priests of all kinds were originally chosen by their colleges, till Domitius, a tribune, about fifty years before, transferred the choice of them to the people, whose authority was held to be supreme in sacred, as well as civil affairs.† This act was reversed by Sylla, and the ancient right restored to the colleges; but Labienus, when tribune, in Cicero's consulship, recalled the law of Domitius, to facilitate Cæsar's advancement to the high-priesthood: it was necessary, however, that every candidate should be nominated to the people by two augurs, who gave a solemn testimony, upon oath, of his dignity and fitness for the office: this was done in Cicero's case by Pompey and Hortensius, the two most eminent members of the college; and, after the election, he was installed, with all the usual formalities, by Hortensius.‡

As in the last year, so in this, the factions of the city prevented the choice of consuls: the candidates, T. Annius Milo, Q. Metellus Scipio, and P. Plau-

* Quomodo Hirrum putas Auguratus tui competitorem——Ep. Fam. 8. 3.

† Atque hoc idem de cæteris Sacerdotiis Cn. Domitius tribunus Pl. tulit, &c. De Leg. Ag. 2. 7.

‡ Quo enim tempore me Augurem a toto collegio expetitum Cn. Pompeius et Q. Hortensius nominaverunt; neque enim licebat a pluribus nominari—Philip. 2. 2.

Cooptatum me ab eo in collegium recordabar, in quo juratus judicium dignitatis meæ fecerat: et inauguratum ab eodem, ex quo, Augurum institutis in parentis eum loco colere debebam. Brut. init—

tius Hypsæus pushed on their several interests with such open violence and bribery, as if the consulship was to be carried only by money or arms.* Clodius was putting in at the same time for the prætorship, and employing all his credit and interest to disappoint Milo, by whose obtaining the consulship, he was sure to be eclipsed and controlled, in the exercise of his subordinate magistracy.† Pompey was wholly averse to Milo, who did not pay him that court which he expected, but seemed to affect an independency, and to trust to his own strength, while the other two competitors were wholly at his devotion. Hypsæus had been his quæstor, and always his creature; and he designed to make Scipio his father-in-law, by marrying his daughter Cornelia, a lady of celebrated accomplishments, the widow of young Crassus.

Cicero, on the other hand, served Milo to the utmost of his power, and ardently wished his success. This he owed to Milo's constant attachment to him, which, at all hazards, he now resolved to repay. The affair, however, was likely to give him much trouble, as well from the difficulty of the opposition, as from Milo's own conduct and unbounded prodigality, which threatened the ruin of all his fortunes. In a letter to his brother, who was still with Cæsar, he says, "Nothing can be more wretched than these "men and these times: wherefore, since no pleasure "can now be had from the Republic, I know not "why I should make myself uneasy: books, study, "quiet, my country-houses, and, above all, my chil-"dren, are my sole delight. Milo is my only trou-"ble: I wish his consulship may put an end to it; "in which I will not take less pains, than I did in "my own; and you will assist us there also, as you "now do: all things stand well with him, unless

* Plut. in Cato.

† Occurebat ei, mancam ac debilem Præturam suam futuram consule Milone. Pro Milon. 9.

A. Urb. 700. Cic. 54. Coss.—Cn. Domitius Calvinus. M. Valerius Messala.

"some violence defeat us. I am afraid only, how "his money will hold out: for he is mad beyond "all bounds in the magnificence of his shows, which "he is now preparing at the expense of 250,000l.; "but it shall be my care to check his inconsiderate- "ness in this one article, as far as I am able,"* &c.

In the heat of this competition, Curio was coming home from Asia, and expected shortly at Rome; whence Cicero sent an express to meet him on the road, or at his landing in Italy, with a most earnest and pressing letter to engage him to Milo's interest.

A. Urb. 701. Cic. 55.

M. T. CICERO TO C. CURIO.

"BEFORE we had yet heard of your coming to- "wards Italy, I sent away S. Vilius, Milo's friend, "with this letter to you: but when your arrival was "supposed to be near, and it was known for certain "that you had left Asia, and were upon the road to "Rome, the importance of the subject left no room "to fear, that we should be thought to send too "hastily, when we were desirous to have it delivered "to you as soon as possible. If my services to you, "Curio, were really so great, as they are proclaimed "to be by you, rather than considered by me, I "should be more reserved in asking, if I had any "great favour to beg of you: for it goes hard with

* Itaque ex Rep. quoniam nihil jam voluptatis capi potest; cur stomacher, nescio. Litteræ me et studia nostra, et otium; villæque delectant, maximeque pueri nostri. Angit unus Milo. Sed velim finem afferat consulatus: in quo enitar non minus quam sum enisus in nostro: tuque istinc, quod facis, adjuvabis. Deo quo cætera (nisi plane vis eripuerit) recte sunt: de re familiari timeo.

Ὁ δὲ μαίνεται οὐκ ἴτ' ἀνεκτῶς——

Qui ludos H. S. CCC. comparet. Cujus in hoc uno inconsiderantiam et ega sustinebo, ut potero. Ad Quint. 3. 9.

Cicero had great reason for the apprehensions which he expresses on account of Milo's extravagance: for Milo had already wasted three estates in giving plays and shows to the people; and, when he went, soon after, into exile, was found to owe still above half a million of our money. Plin. l. 36. 15. Ascon. Argum. in Milon.

" a modest man, to ask any thing considerable of
" one, whom he takes to be obliged to him; lest he
" be thought to demand, rather than to ask; and to
" look upon it as a debt, not as a kindness. But
" since your services to me, so eminently displayed
" in my late troubles, are known to all to be the
" greatest, (and it is the part of an ingenuous mind
" to wish to be more obliged to those, to whom we
" are already much obliged) I made no scruple to
" beg of you, by letter, what, of all things, is the
" most important and necessary to me: for, I am
" not afraid lest I should not be able to sustain the
" weight of all your favours, though ever so nume-
" rous, being confident that there is none so great,
" which my mind is not able both fully to contain,
" and amply to requite and illustrate. I have placed
" all my studies, pains, care, industry, thoughts,
" and, in short, my very soul, on Milo's consulship;
" and have resolved with myself, to expect from it
" not only the common fruit of duty, but the praise
" even of piety: nor was any man, I believe, ever so
" solicitous for his own safety and fortunes, as I am
" for his honour, on which I have fixed all my views
" and hopes. You, I perceive, can be of such ser-
" vice to him, if you please, that we shall have no
" occasion for any thing farther. We have already
" with us the good wishes of all the honest, engaged
" to him by his tribunate; and, as you will imagine
" also, I hope, by his attachment to me; of the po-
" pulace, and the multitude, by the magnificence of
" his shows and the generosity of his nature; of the
" youth and men of interest, by his own peculiar
" credit or diligence among that sort. He has all
" my assistance, likewise, which, though of little
" weight, yet, being allowed by all to be just and
" due to him, may perhaps be of some influence.
" What we want, is a captain and leader, or a pilot,
" as it were, of all those winds; and, were we to
" choose one out of the whole city, we could not find

" a man so fit for the purpose as you. Wherefore, " if from all the pains, which I am now taking for " Milo, you can believe me to be mindful of benefits; " if grateful; if a good man; if worthy, in short, of " your kindness; I beg of you to relieve my present " solicitude, and lend your helping hand to my " praise; or, to speak more truly, to my safety. As " to T. Annius himself, I promise you, if you em- " brace him, that you will not find a man of a greater " mind, gravity, constancy, or of greater affection to " you: and, as for myself, you will add such a lustre " and fresh dignity to me, that I shall readily own " you to have shewn the same zeal for my honour, " which you exerted before for my preservation. If " I was not sure, from what I have already said, that " you would see how much I take my duty to be in- " terested in this affair, and how much it concerns " me, not only to struggle, but even to fight for Mi- " lo's success, I should press you still farther; but " I now recommend, and throw the whole cause, " and myself also with it, into your hands; and beg " of you, to assure yourself of this one thing, that, " if I obtain this favour from you, I shall be more " indebted almost to you, than even to Milo him- " self; since my safety, in which I was principally " assisted by him, was not so dear, as the piety of " shewing my gratitude will be agreeable to me, " which, I am persuaded, I shall be able to effect " by your assistance. Adieu."*

The senate, and the better sort, were generally in Milo's interest; but three of the tribunes were violent against him, Q. Pompeius Rufus, Munatius Plancus Bursa, and Sallust the historian; the other seven were his fast friends, but, above all, M. Cœlius, who, out of regard to Cicero, served him with a particular zeal. But, while all things were proceeding very prosperously in his favour, and nothing seemed

* Ep. Fam. 2. 6.

wanting to crown his success, but to bring on the election, which his adversaries, for that reason, were labouring to keep back, all his hopes and fortunes were blasted at once, by an unhappy rencounter with his old enemy Clodius, in which Clodius was killed by his servants, and by his command.

Their meeting was wholly accidental, on the Appian road, not far from the city; Clodius coming home from the country towards Rome; Milo going out about three in the afternoon; the first on horseback, with three companions, and thirty servants, well armed; the latter in a chariot, with his wife and one friend, but with a much greater retinue, and, among them, some gladiators. The servants, on both sides, began presently to insult each other; when Clodius, turning briskly to some of Milo's men, who were nearest to him, and threatening them with his usual fierceness, received a wound in the shoulder, from one of the gladiators; and, after receiving several more in the general fray, which instantly ensued, finding his life in danger, was forced to fly for shelter into a neighbouring tavern. Milo, heated by this success, and the thoughts of revenge, and reflecting that he had already done enough, to give his enemy a great advantage against him, if he was left alive to pursue it, resolved, whatever was the consequence, to have the pleasure of destroying him, and so ordered the house to be stormed, and Clodius to be dragged out and murdered. The master of the tavern was likewise killed, with eleven of Clodius's servants, while the rest saved themselves by flight: so that Clodius's body was left in the road, where it fell, till S. Tedius, a senator, happening to come by, took it up into his chaise, and brought it with him to Rome, where it was exposed in that condition, all covered with blood and wounds, to the view of the populace, who flocked about it in crowds, to lament the miserable fate of their leader.

The next day, the mob, headed by S. Clodius, a kinsman of the deceased, and one of his chief incendiaries, carried the body naked, so as all the wounds might be seen, into the Forum, and placed it in the rostra, where the three tribunes, Milo's enemies, were prepared to harangue upon it in a style suited to the lamentable occasion, by which they inflamed their mercenaries to such a height of fury, that, snatching up the body, they ran away with it into the senate-house, and, tearing up the benches, tables, and every thing combustible, dressed up a funeral pile upon the spot, and, together with the body, burnt the house itself, with a basilica also, or public hall, adjoining, called the Porcian; and, in the same fit of madness, proceeded to storm the house of Milo, and of M. Lepidus, the interrex, but were repulsed in both attacks with some loss.*

These extravagances raised great indignation in the city, and gave a turn in favour of Milo, who, looking upon himself as undone, was meditating nothing before, but a voluntary exile: but now, taking courage, he ventured to appear in public, and was introduced into the rostra by Cœlius, where he made his defence to the people: and, to mitigate their resentment, distributed, through all the tribes, above three pounds a man, to every poor citizen. But all his pains and expense were to little purpose; for the three tribunes employed all the arts of party and faction to keep up the ill humour of the populace; and, what was more fatal, Pompey would not be brought into any measures of accommodating the matter; so that the tumults still increasing, the senate passed a decree, that

* Quanquam re vera, fuerat pugna fortuita. Quintil. l. 6. c. 5.

Ἐλπίσας—ῥᾷον τοῦ φόνου τελευτήσαντος αὐτοῦ, ἢ τοῦ τραύματος, εἰ ἀνεῤῥήγνυτο, ἀφεθήσεσθαι. Dio, l. 40. p. 143.

Milo, ut cognovit vulneratum Clodium, cum sibi periculosius illud etiam, vivo eo, futurum intelligeret, occiso autem magnum solatium esset habiturus, etiam si subeunda pœna esset, exturbari tabernam jussit. Ita Clodius latens extractus est, multisque vulneribus confectus, &c. Vid. Ascon. Argum. in Milon.

the interrex, assisted by the tribunes and Pompey, should take care that the Republic receive no detriment; and that Pompey, in particular, should raise a body of troops for the common security, which he presently drew together from all parts of Italy. In this confusion, the rumour of a dictator was again industriously revived, and gave a fresh alarm to the senate; who, to avoid the greater evil, resolved presently to create Pompey the single consul; so that the interrex, Servius Sulpicius, declared his election accordingly, after an interregnum of near two months.*

A. Urb. 701. Cic. 55. Coss.—Cn. Pompeius Magnus III. Sine Collega.

POMPEY applied himself immediately to calm the public disorders, and published several new laws, prepared by him for that purpose: one of them was to appoint a special commission, to inquire into Clodius's death, the burning of the senate-house, and the attack on M. Lepidus; and to appoint an extraordinary judge, of consular rank, to preside in it: a second was, against bribery and corruption in elections, with the inflictions of new and severer penalties.—By these laws, the method of trials was altered, and the length of them limited: three days were allowed for the examination of witnesses, and the fourth for the sentence: on which the accuser was to have two hours only to enforce the charge; the criminal three for his defence:† which regulation Tacitus seems to consider as the first step towards the ruin of the Roman eloquence, by imposing reins, as it were, upon its free and ancient course.‡ Cœlius opposed his negative to these laws, as being rather privileges than laws, and provided particularly against Milo: but he was soon obliged to withdraw it, upon Pompey's declaring

* Vid. Dio, ib. et Ascon. Argum. † Ib.

‡ Primus tertio consulatu Cn. Pompeius astrinxit, imposuitque veluti frænos eloquentiæ, &c. Dialog. de Orat. 38.

A. Urb. 701. Cic. 55. Cos.—Cn. Pompeius Magnus III. Sine Collega.

that he would support them by force of arms. The three tribunes, all the while, were perpetually haranguing and terrifying the city with forged stories, of magazines of arms prepared by Milo, for massacreing his enemies, and burning the city, and produced their creatures, in the rostra, to vouch the truth of them to the people. They charged him particularly with a design against Pompey's life, and brought one Licinius, a killer of the victims for sacrifice, to declare that Milo's servants had confessed it to him in their cups, and then endeavoured to kill him, lest he should discover it: and, to make his story the more credible, shewed a slight wound in his side, made by himself, which he affirmed to have been given by the stroke of a gladiator. Pompey himself confirmed this fact, and laid an account of it before the senate; and, by doubling his guard, affected to intimate a real apprehension of danger.* Nor were they less industrious to raise a clamour against Cicero; and, in order to deter him from pleading Milo's cause, threatened him also with trials and persecutions; giving it out, every where, that Clodius was killed indeed by the hand of Milo, but by the advice and contrivance of a greater man.† "Yet, such was his constancy to his friend," says Asconius, "that neither the loss of popular favour, "nor Pompey's suspicions, nor his own danger, nor "the terror of arms, could divert him from the reso-"lution of undertaking Milo's defence."‡

But it was Pompey's influence and authority which ruined Milo.§ He was the only man in

* Audiendus Popa Licinius, nescio qui de Circo maximo, servos Milonis apud se ebrios factos confessos esse, de interficiendo Cn. Pompeio conjurasse.—De amicorum sententia rem defert ad Senatum. Pro. Milon. 24.

† Scitis, judices, fuisse, qui in hac rogatione suadenda dicerent, Milonis manu cædem esse factam, consilio vero majoris alicujus: videlicet me latronem et sicarium abjecti homines describebant. Ib. 18.

‡ Tanta tamen constantia ac fides fuit Ciceronis, ut non populi a se alienatione non Cn. Pompeii suspicionibus, non periculi futuri metu,—non armis, quæ palam, in Milonem sumpta erant, deterreri potuerit a defensione ejus. Argum. Milon.

§ Milonem reum non magis invidia facti, quam Pompeii damnavit voluntas. Vell. Pat. 2. 47.

A. Urb. 701. Cic. 55. Coss.—Cn. Pompeius Magnus III. Sine Collega.

Rome, who had the power either to bring him to a trial, or to get him condemned: not that he was concerned for Clodius's death, or the manner of it, but pleased rather that the Republic was freed, at any rate, from so pestilent a demagogue; yet he resolved to take the benefit of the occasion, for getting rid of Milo too, from whose ambition and high spirit he had cause to apprehend no less trouble.—He would not listen, therefore, to any overtures, which were made to him by Milo's friends; and, when Milo offered to drop his suit for the consulship, if that would satisfy him, he answered, "that "he would not concern himself with any man's "suing or desisting, nor give any obstruction to the "power and inclination of the Roman people."—He attended the trial, in person, with a strong guard, to preserve peace, and prevent any violence from either side. There were many clear and positive proofs produced against Milo, though some of them were supposed to be forged: among the rest, the Vestal virgins deposed, that a woman unknown came to them in Milo's name, to discharge a vow, said to be made by him, on the account of Clodius's death.*

When the examination was over, Munatius Plancus called the people together, and exhorted them to appear in a full body, the next day, when judgment was to be given, and to declare their sentiments in so public a manner, that the criminal might not be suffered to escape: which Cicero reflects upon, in the defence, as an insult on the liberty of the bench.† Early in the morning, on the eleventh of April, the shops were all shut, and the whole city gathered into the Forum, where the avenues were possessed by Pompey's soldiers, and he himself seated in a conspicuous part, to overlook the

* Vid. Ascon. Argum. in Milon.

† Ut intelligatis contra hesternam illam concionem licere vobis, quod sentiatis, libere judicare. Pro Milon. 26. Vid. Ascon. ib.

A. Urb. 701. Cic. 55. Coss.—Cn. Pompeius Magnus III. Sine Collega.

whole proceeding, and hinder all disturbance. The accusers were young Appius, the nephew of Clodius, M. Antonius, and P. Valerius, who, according to the new law, employed two hours in supporting their indictment. Cicero was the only advocate on Milo's side; but, as soon as he rose up to speak, he was received with so rude a clamour, by the Clodians, that he was much discomposed and daunted at his first setting out, yet recovered spirit enough to go through his speech of three hours, which was taken down in writing, and published as it was delivered, though the copy of it now extant is supposed to have been retouched and corrected by him, afterwards, for a present to Milo, in his exile.*

In the council of Milo's friends, several were of opinion, that he should defend himself, by avowing the death of Clodius to be an act of public benefit: but Cicero thought that defence too desperate, as it would disgust the grave, by opening so great a door to licence, and offend the powerful, lest the precedent should be extended to themselves. But young Brutus was not so cautious, who, in an oration, which he composed and published afterwards, in vindication of Milo, maintained the killing of Clodius to be right and just, and of great service to the Republic.† It was notorious, that, on both sides, they had often threatened death to each other; Clodius, especially, had declared several times, both to the senate and the people, that Milo ought to be killed; and that, if the consulship could not be taken from him, his life could: and when Favonius asked him once, what hopes he could have of playing his mad pranks, while Milo was

* Cicero, cum inciperet dicere, acceptus est acclamatione Clodianorum—itaque non ea, qua solitus erat, constantia dixit. Manet autem illa quoque excepta ejus oratio. Ascon. Argum.

† Cum quibusdam placuisset, ita defendi crimen, *interfici* Clodium pro Repub. fuisse, quam formam M. Brutus secutus est in ea oratione, quam pro Milone, composuit, et edidit, quamvis non egisset, Ciceroni id non placuit—ib.

living, he replied, that in three or four days, at most, he should live no more: which was spoken just three days before the fatal rencounter, and attested by Favonius.* Since Milo then was charged with being the contriver of their meeting, and the aggressor in it, and several testimonies were produced to that purpose, Cicero chose to risk the cause on that issue; in hopes to persuade, what seemed to be the most probable, that Clodius actually lay in wait for Milo, and contrived the time and place; and that Milo's part was but a necessary act of self-defence. This appeared plausible, from the nature of their equipage, and the circumstances in which they met: for though Milo's company was the more numerous, yet it was much more encumbered, and unfit for an engagement, than his adversary's; he himself being in a chariot with his wife, and all her women along with him; while Clodius, with his followers, was on horseback: as if prepared and equipped for fighting.† He did not preclude himself, however, by this, from the other plea, which he often takes occasion to insinuate, that if Milo had really designed and contrived to kill Clodius, he would have deserved honours instead of punishment, for cutting off so desperate and dangerous an enemy to the peace and liberty of Rome.‡

* Etenim palam dictitabat, consulatum Miloni eripi non posse, vitam posse. Significavit hoc sæpe in Senatu; dixit in concione. Quinetiam Favonio, quærenti ex eo, qua spe fureret, Milone vivo? Respondit, triduo illum, ad summum quatriduo periturum. Pro Milon. 9.

Post diem tertium gesta res est, quam dixerat. Ib. 16.

† Interim cum sciret Clodius—Iter solenne—necessarium—Miloni esse Lanuvium—Roma ipse profectus pridie est, ut ante suum fundum quod. re intellectum est, insidias Miloni collocaret—Milo autem cum in Senatu fuisset eo dei, quod Senatus dimissus est, domum venit, calceos et vestimenta mutavit: paullisper, dum se uxor, ut fit, comparat, commoratus est—obviam fit ei Clodius expeditus in equo, nulla rheda, nullis impedimentis, nullis Græcis comitibus, sine uxore, quod nunquam fere; cum hic insidiator,—(Milo)—cum uxore in rheda veheretur penulatus, magno et impedito et muliebri ac delicato ancillarum et puerorum comitatu. Pro Milon. 10. it. 21.

‡ Quamobrem si cruentum gladium tenens clamaret T. Annius, adeste, quæso, atque audite cives: P. Clodium interfeci: ejus furores, quos nullis jam legibus. nullis judiciis frænare poteramus, hoc ferro, atque hac dextra a cervicibus vestris repuli, &c. Vos tanti sceleris ultorem non modo honoribus nullis afficietis, sed etiam ad supplicium rapi patiemini? Pro Milon. 28, &c.

A. Urb. 701. Cic. 55. Coss.—Cn. Pompeius Magnus III. Sine Collega.

In this speech for Milo, after he had shewn the folly of paying such a regard to the idle rumours and forgeries of his enemies, as to give them the credit of an examination, he touches Pompey's conduct and pretended fears, with a fine and masterly raillery; and, from a kind of prophetic foresight of what might one day happen, addresses himself to him in a very pathetic manner.—"I could not but applaud," says he, "the wonderful diligence of Pompey in "these inquiries; but to tell you, freely, what I "think; those who are charged with the care of the "whole Republic, are forced to hear many things, "which they would contemn, if they were at liberty "to do it. He could not refuse an audience to that "paltry fellow, Licinius, who gave the information "about Milo's servants—I was sent for among the "first of those friends, by whose advice he laid it "before the senate; and was, I own, in no small "consternation, to see the guardian both of me and "my country under so great an apprehension; yet I "could not help wondering, that such credit was "given to a butcher; such regard to drunken slaves; "and how the wound in the man's side, which seemed to be the prick only of a needle, could be taken "for the stroke of a gladiator. But Pompey was "shewing his caution rather than his fear; and disposed to be suspicious of every thing, that you "might have reason to fear nothing. There was a "rumour, also, that Cæsar's house was attacked for "several hours in the night; the neighbours, though "in so public a place, heard nothing at all of it; yet "the affair was thought fit to be inquired into. I "can never suspect a man of Pompey's eminent "courage, of being timorous; nor yet think any caution too great in one, who has taken upon himself "the defence of the whole Republic. A senator, "likewise, in a full house, affirmed lately, in the "capitol, that Milo had a dagger under his gown, "at that very time: Milo stripped himself presently "in that most sacred temple; that, since his life and

"manners would not give him credit, the thing it "self might speak for him, which was found to be "false, and basely forged. But if, after all, Milo "must still be feared, it is no longer the affair "of Clodius, but your suspicions, Pompey, which "we dread: your suspicions, I say, and speak it "so, that you may hear me.—If those suspicions "stick so close, that they are never to be removed; "if Italy must never be free from new levies, nor the "city from arms, without Milo's destruction; he "would not scruple, such is his nature and his "principles, to bid adieu to his country, and sub-"mit to a voluntary exile: but, at taking leave, he "would call upon thee, O thou great one! as he "now does, to consider how uncertain and variable "the condition of life is; how unsettled and incon-"stant a thing fortune; what unfaithfulness there is "in friends; what dissimulation suited to times and "circumstances; what desertion, what cowardice "in our dangers, even of those, who are dearest to "us; there will, there will, I say, be a time, and "the day will certainly come, when you, with safety "still, I hope, to your fortunes, though changed, "perhaps, by some turn of the common times, "which, as experience shews, will often happen to "us all, may want the affection of the friendliest, "the fidelity of the worthiest, the courage of the "bravest man living,"* &c.

Of one and fifty judges, who sat upon Milo, thirteen only acquitted, and thirty-eight condemned him: the votes were usually given by ballot; but Cato, who absolved him, chose to give his vote openly; "and, if he had done it earlier," says Velleius, "would have drawn others after him; since all were "convinced, that he, who was killed, was, of all who "had ever lived, the most pernicious enemy to his "country, and to all good men."† Milo went into

* Pro Milon. 24, 25, 26——

† M. Cato palam lata absolvit sententia, quam si maturius tulisset, non defuissent, qui sequerentur exemplum, probarentque eum civem occisum, quo nemo perniciosior Reip. neque bonis inimicior vixerat. Vell. Pat. 2. 47.

A. Urb. 701. Cic. 55. Coss.—Cn. Pompeius Magnus III. Sine Collega.

exile at Marseilles, a few days after his condemnation: his debts were so great, that he was glad to retire the sooner from the importunity of his creditors; for whose satisfaction his whole estate was sold by public auction. Here Cicero still continued his care for him, and, in concert with Milo's friends, ordered one of his wife's freedmen, Philotimus, to assist at the sale, and to purchase the greatest part of the effects, in order to dispose of them, afterwards, to the best advantage, for the benefit of Milo and his wife Fausta, if any thing could be saved for them. But his intended service was not so well relished by Milo, as he expected; for Philotimus was suspected of playing the knave, and secreting part of the effects to his own use, which gave Cicero great uneasiness; so that he pressed Atticus and Cœlius to inquire into the matter very narrowly, and oblige Philotimus to give satisfaction to Milo's friends; and to see, especially, that his own reputation did not suffer by the management of his servant.* Through this whole struggle about Milo, Pompey treated Cicero with great humanity; he assigned him a guard at the trial; forgave all his labours for his friend, though in opposition to himself; and, so far from resenting what he did, would not suffer other people's resentments to hurt him.†

The next trial before the same tribunal, and for the same crime, was of M. Saufeius, one of Milo's confidents, charged with being the ringleader, in storming the house, and killing Clodius; he was defended also by Cicero, and acquitted only by one

* Consilium meum hoc fuerat, primum ut in potestate nostra res esset, ne illum malus emptor et alienus mancipiis, quæ permulta secum habet, spoliaret: deinde ut Faustæ, cui cautum ille voluisset, ra um esset. Erat etiam illud, ut ipsi nos, si quid servari posset, quam facillime servaremus. Nunc rem totam perspicias velim—Si ille queritur—Si idem Fausta vult, Philotimus, ut ego ei coram dixeram, mihique ille receperat, ne sit invito Milone in bonis. Ad Att. 5. 8. it. 6. 4.

Quod ad Philotimi liberti officium et bona Milonis attinet, dedimus operam ut et Philotimus quam honestissime Miloni, absenti, ejusque necessariis satis faceret, et secundum ejus fidem et sedulitatem existimatio tua conservaretur. Ep. Fam. 8. 3.

† Qua humanitate tulit contentionem meam pro Milone, adversante interdum actionibus suis? Quo studio providit, ne quæ me illius temporis invidia attingeret? Cum me consilio, tum auctoritate, cum armis denique texit suis. Ib. 3. 10.

A. Urb. 701. Cic. 55. Coss.—Cn. Pompeius Magnus III. Sine Collega.

vote: but being accused a second time, on the same account, though for a different fact, and again defended by Cicero, he was acquitted by a great majority. But Sex. Clodius, the captain of the other side, had not the luck to escape so well, but was condemned, and banished with several others of that faction, to the great joy of the city, for burning the senate-house, and the other violences committed upon Clodius's death. *

A. Urb. 701. Cic. 55. Coss.—Cn. Pomp. Magnus III. Q. Cæcil. Metel. Scipio.

POMPEY, no sooner published his new law against bribery, than the late consular candidates, Scipio and Hypsæus, were severally impeached upon it; and, being both of them notoriously guilty, were in great danger of being condemned; but Pompey, calling the body of the judges together, begged it of them, as a favour, that, out of the great number of state criminals, they would remit Scipio to him; whom, after he had rescued from this prosecution, he declared his colleague in the consulship, for the last five months of the year; having first made him his father-in-law, by marrying his daughter, Cornelia. The other candidate, Hypsæus, was left to the mercy of the law; and, being likely to fare the worse for Scipio's escape, and to be made a sacrifice to the popular odium, he watched an opportunity of access to Pompey, as he was coming out of his bath, and, throwing himself at his feet, implored his protection: but though he had been his quæstor, and ever obsequious to his will, yet Pompey is said to have thrust him away, with great haughtiness and inhumanity, telling him, coldly, that he would only spoil his supper by detaining him.†

* Ascon. Argum. pro Milon.——

† Cn. autem Pompeius quam insolenter? Qui balneo egressus, ante pedes suos prostratum Hypsæum ambitus reum et nobilem virum et sibi amicum, jacentem reliquit, contumeliosa voce oroculcatum. Nihil enim eum aliud agere, quam ut con-

A. Urb. 701. Cic. 55. Coss.—Cn. Pomp. Magnus III. Q. Cæcil. Metel. Scipio.

Before the end of the year, Cicero had some amends for the loss of his friend Milo, by the condemnation and banishment of two of the tribunes, the common enemies of them both, Q. Pompeius Rufus, and T. Munatius Plancus Bursa, for the violences of their tribunate, and burning the senate-house. As soon as their office expired, Cœlius accused the first, and Cicero himself the second; the only cause, excepting that of Verres, in which he ever acted the part of an accuser. But Bursa had deserved it, both for his public behaviour, in his office, and his personal injuries to Cicero; who had defended and preserved him in a former trial. He depended on Pompey's saving him; and had no apprehension of danger, since Pompey undertook to plead his cause, before judges of his own appointing: yet, by Cicero's vigour, in managing the prosecution, he was condemned by an unanimous vote of the whole bench.* Cicero was highly pleased with this success, as he signifies in a letter to his friend Marius, which will explain the motives of his conduct in it.

"I know very well," says he, "that you rejoice at "Bursa's fate, but you congratulate me too coldly: "you imagine, you tell me, that for the sordidness of "the man, I take the less pleasure in it; but, believe "me, I have more joy from this sentence, than from "the death of my enemy; for, in the first place, I "love to pursue, rather by a trial than the sword; "rather with the glory than the ruin of a friend: and "it pleased me extremely, to see so great an in-"clination of all honest men, on my side, against "the incredible pains of one, the most eminent "and powerful: and lastly, what you will scarce "think possible, I hated this fellow worse than Clo-

vivium suum moraretur, respondit—Ille vero P. Scipionem, socerum suum, legibus noxium, quas ipse tulerat, in maxima quidem reorum et illustrium ruina, muneris loco a Judicibus deposcere. Val. Max. 9. 5. it. Plut. in Pomp.

* Plancum, qui omnibus sententiis maximo vestro plausu condemnatus. Philip. 6. 4.

A. Urb. 701. Cic. 55. Coss.—Cn. Pomp. Magnus III. Q. Cæcil. Metel. Scipio.

" dius himself; for I had attacked the one, but de-
" fended the other; and Clodius, when the safety of
" the Republic was risked upon my head, had some-
" thing great in view, not indeed from his own strength,
" but the help of those, who could not maintain their
" ground, whilst I stood firm; but this silly ape, out
" of a gaiety of heart, chose me particularly for the
" object of his invectives; and persuaded those, who
" envied me, that he would be always at their ser-
" vice, to insult me at any warning. Wherefore I
" charge you to rejoice in good earnest; for it is a
" great victory which we have won. No citizens
" were ever stouter than those who condemned him,
" against so great a power of one, by whom them-
" selves were chosen judges, which they would never
" have done, if they had not made my cause and grief
" their own. We are so distracted here, by a multi-
" tude of trials and new laws, that our daily prayer
" is against all intercalations, that we may see you
" as soon as possible."*

Soon after the death of Clodius, Cicero seems to have written his Treatise on Laws,† after the example of Plato, whom, of all writers, he most loved to imitate; for as Plato, after he had written on government in general, drew up a body of laws, adapted to that particular form of it, which he had been delineating; so Cicero chose to deliver his political sentiments in the same method;‡ not by translating Plato, but imitating his manner in the explication of them. This work being designed, then, as a supplement, or second volume to his other upon the Republic, was distributed, probably, as that other was, into six books; for we meet with some quotations among the ancients from the fourth and fifth; though there are but three now remaining, and those in some

* Ep. Fam. 7. 2. † Vid. de Leg. 2. 17.

‡ Sed ut vir doctissimus fecit Plato, atque idem gravissimus philosophorum omnium, qui princeps de Repub. conscripsit, idemque separatim de legibus: id mihi credo esse faciundum. De Leg. 2. 6.

places imperfect. In the first of these, he lays open the origin of law and the source of obligation, which he derives from the universal nature of things, or, as he explains it, from the consummate reason or will of the supreme God :* in the other two books, he gives a body of laws, conformable to his own plan and idea of a well-ordered city :† first, those which relate to religion and the worship of the gods; secondly, those which prescribe the duties and powers of the several magistrates, from which the peculiar form of each government is denominated. These laws are generally taken from the old constitution or custom of Rome;‡ with some little variation and temperament, contrived to obviate the disorders to which that Republic was liable, and to give it a stronger turn towards the aristocratical side :§ in the other books, which are lost, he had treated, as he tells us, of the particular rights and privileges of the Roman people.‖

Pompey was preparing an inscription this summer for the front of the new temple, which he had lately built to Venus the Conqueress, containing, as usual, the recital of all his titles; but, in drawing it up, a question happened to be started, about the manner of expressing his third consulship; whether it should be by consul tertium or tertio. This was referred to the principal critics of Rome, who could not, it seems, agree about it; some of them contending for the one, some for the other; so that Pompey left it

* Hanc igitur video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, nec scitum aliquod esse populorum, sed æternum quiddam, quod universum mundum regeret, imperandi prohibendique sapientia. Ita principem legem illam et ultimam mentem esse dicebant, omnia ratione aut cogentis aut vetantis Dei. Quamobrem lex vera atque princeps—ratio est recta summi Jovis. Ib. 2. 4.

† Nos autem quoniam—quæ de optima Repub. sentiremus, in sex libris ante diximus, accommodabimus hoc tempore leges ad illum, quem probamus, civitatis statum. Ib. 3. 2.

‡ Et si quæ forte a me hodie rogabuntur, quæ non sint in nostra Repub. nec fuerint, tamen erunt fere in more majorum, qui tum, ut lex, valebat. Ib. 2. 10.

§ Nihil habui; sane non multum, quod putarem novandum in legibus. Ib. 3. 5.

‖ Ib. 3. 20.

to Cicero to decide the matter, and to inscribe what he thought the best. But Cicero, being unwilling to give judgment on either side, when there were great authorities on both sides, and Varro, among them, advised Pompey to abbreviate the word in question, and order TERT. to be inscribed, which fully declared the thing, without determining the dispute. From this fact we may observe, how nicely exact they were in this age, in preserving a propriety of language in their public monuments and inscriptions.*

Among the other acts of Pompey, in this third consulship, there was a new law against bribery, contrived to strengthen the old ones that were already subsisting against it, by disqualifying all future consuls and prætors from holding any province, till five years after the expiration of their magistracies; for this was thought likely to give some check to the eagerness of suing and bribing for those great offices, when the chief fruit and benefit of them was removed to such a distance.† But, before the law passed, Pompey took care to provide an exception for himself, and to get the government of Spain continued to him for five years longer, with an appointment of money for the payment of his troops; and lest this should give offence to Cæsar, if something also of an extraordinary kind was not provided for him, he proposed a law, to dispense with Cæsar's absence in suing for the consulship, of which Cæsar, at that time, seemed very desirous. Cœlius was the promoter of this law, engaged to it by Cicero, at the joint request of Pompey and Cæsar;‡ and it was carried with the concurrence of all the tribunes, though

* This story is told by Tiro, a favourite slave and freedman of Cicero, in a letter preserved by A. Gellius. l. 10. 1.

† Dio, p. 142.

‡ Rogatus ab ipso Ravennæ de Cœlio tribuno pleb. ab ipso autem? Etiam a Cæso nostro. Ad Att. 7. 1.

not without difficulty and obstruction from the senate: but this unusual favour, instead of satisfying Cæsar, served only, as Suetonius says, to raise his hopes and demands still higher.*

By Pompey's law, just mentioned, it was provided, that for a supply of governors for the interval of five years, in which the consuls and prætors were disqualified, the senators of consular and prætorian rank, who had never held any foreign command, should divide the vacant provinces among themselves by lot: in consequence of which, Cicero, who was obliged to take his chance with the rest, obtained the government of Cilicia, now in the hands of Appius, the late consul: this province included also Pisidia, Pamphilia, and three dioceses, as they were called, or districts of Asia, together with the island of Cyprus; for the guard of all which, a standing army was kept up of two legions, or about twelve thousand foot; with two thousand six hundred horse:† and thus one of those provincial governments, which were withheld from others by law, to correct their inordinate passion for them, was, contrary to his will and expectation, obtruded at last upon Cicero; whose business it had been, through life, to avoid them.‡

The city began now to feel the unhappy effects both of Julia's and Crassus's death, from the mutual apprehensions and jealousies, which discovered themselves more and more every day between Pompey and Cæsar: the senate was generally in Pompey's interest; and, trusting to the name and authority of so great a leader, were determined to humble the pride and ambition of Cæsar, by recall-

* Egit cum tribunis pleb.—ut absenti sibi petitio secundi consulatus daretur—Quod ut adeptus est, altiora jam meditans et spe plenus, nullem largitionis, aut officiorum in quemquam genus publice privatimque omisit. Sueton. J. Cæs. 26.

† Ad Att. *b.* 15.

‡ Cum et contra voluntatem meam et præter opinionem accidisset, ut mihi eum imperio in provinciam proficisci necesse esset. Ep. Fam. 3. 2.

ing him from his government; whilst Cæsar on the other hand, trusting to the strength of his troops, resolved to keep possession of it in defiance of all their votes; and, by drawing a part of his forces into the Italic, or Cisalpine Gaul, so as to be ready at any warning to support his pretensions, began to alarm all Italy, with the melancholy prospect of an approaching civil war; and this was the situation of affairs when Cicero set forward towards his government of Cilicia.

END OF VOLUME I.

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